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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AJ22

[NRC–2012–0308]

List of Approved Spent Fuel Storage Casks: MAGNASTOR® System

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the NAC International, Inc. (NAC) Modular Advanced Generation Nuclear All-purpose Storage (MAGNASTOR®) Cask System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to Certificate of Compliance (CoC) No. 1031. Amendment No. 3 revises authorized contents to include: pressurized water reactor (PWR) damaged fuel contained in damaged fuel cans that are placed in a damaged fuel basket assembly; PWR fuel assemblies with nonfuel hardware per the expanded definition in the Amendment No. 3 application; and PWR fuel assemblies with up to five activated stainless steel fuel replacement rods at a maximum burnup/exposure of 32.5 gigawatt days per metric ton of uranium (GWd/MTU). Additionally, Amendment No. 3 revises paragraph 4.3.1(i) in Appendix A of the CoC Technical Specifications (TS) to clarify that the maximum design basis earthquake accelerations of 0.37g in the horizontal direction (without cask sliding) and 0.25g in the vertical direction at the independent spent fuel storage installation (ISFSI) pad top surface do not result in cask tip-over. Amendment No. 3 also makes additional changes to Appendix A, Technical Specifications and Design Features for the MAGNASTOR® System, and Appendix B, Approved Contents for the MAGNASTOR® System, of the CoC.

DATES: The final rule is effective July 25, 2013.

ADDRESSES: Please refer to Docket ID NRC–2012–0308 when contacting the NRC about the availability of information for this final rule. You may access information and comment submittals related to this final rulemaking, which the NRC possesses and is publicly available by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0308. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* An electronic copy of the CoC, including Appendices A and B of the CoC, and the safety evaluation report (SER) can be found in ADAMS under Package Accession No. ML13120A254. The ADAMS Accession No. for the MAGNASTOR® Cask System Amendment No. 3 application dated August 26, 2010, is ML102420569.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Naiem S. Tanious, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6103, email: *Naiem.Tanious@nrc.gov.*

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I. Background

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that ''the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[the Commission] shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule in part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR), which added a new subpart K within 10 CFR part 72 entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L within 10 CFR part 72 entitled, ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on November 21, 2008 (73 FR 70587), that approved the MAGNASTOR® Cask System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1031.

This rule is limited to the changes contained in Amendment No. 3 to CoC No. 1031 and does not include other

aspects of the MAGNASTOR® Cask System design.

The NRC published in the **Federal Register** on March 18, 2013 (78 FR 16601), a direct final rule on this amendment. The NRC also concurrently published a companion proposed rule on March 18, 2013 (78 FR 16619). The NRC received a significant adverse comment on the proposed rule; therefore, the NRC withdrew the direct final rule on May 29, 2013 (78 FR 32077), and is proceeding, in this document, to address the comment on the companion proposed rule (*see* Section III, Analysis of Public Comments, of this document).

II. Discussion of Changes

On August 26, 2010, NAC submitted a request to the NRC to amend CoC No. 1031. NAC supplemented its request on the following dates: February 4, 2011 (ADAMS Accession No. ML11138A224), February 16, 2011 (ADAMS Accession No. ML110480498), August 15, 2011 (ADAMS Accession No. ML11229A701), October 3, 2011 (ADAMS Accession No. ML11287A020), March 21, 2012 (ADAMS Accession No. ML120820463), March 30, 2012 (ADAMS Accession No. ML12094A056), April 6, 2012 (ADAMS Accession No. ML12104A025), and April 22, 2013 (ADAMS Accession No. ML13114A137). The amendment revises authorized contents to include: (1) PWR damaged fuel contained in damaged fuel cans that are placed in a damaged fuel basket assembly; (2) PWR fuel assemblies with nonfuel hardware per the expanded definition in the Amendment No. 3 application; and (3) PWR fuel assemblies with up to five activated stainless steel fuel replacement rods at a maximum burnup/exposure of 32.5 GWd/MTU.

This amendment also revises paragraph 4.3.1(i) in Appendix A of the CoC TSs to clarify that the maximum design basis earthquake accelerations of 0.37g in the horizontal direction (without cask sliding) and 0.25g in the vertical direction at the ISFSI pad top surface do not result in cask tip-over. Furthermore, this amendment makes additional changes to Appendix A (ADAMS Accession No. ML13150A388) and Appendix B (ADAMS Accession No. ML13120A264) of the CoC. The changes to the aforementioned documents are identified with revision bars in the margin of each document.

As documented in the SER (ADAMS Accession No. ML13120A262), the NRC staff performed a detailed safety evaluation of the proposed CoC amendment request. There are no significant changes to cask design requirements in the CoC amendment. Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. If there is no loss of containment, shielding, or criticality control, the environmental impacts would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 3 would remain well within the 10 CFR part 20 limits. Thus, the CoC changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the November 21, 2008, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

This final rule revises the MAGNASTOR® Cask System listing in 10 CFR 72.214 by adding Amendment No. 3 to CoC No. 1031. The amendment consists of the changes previously described, as set forth in the revised CoC and TSs. The revised TSs are identified in the SER.

The amended MAGNASTOR® Cask System design, when used under the conditions specified in the CoC, the TSs, and the NRC's regulations, will meet the requirements of 10 CFR part 72; thus, adequate protection of public health and safety will continue to be ensured. When this final rule becomes effective, persons who hold a general license under 10 CFR 72.210 may load spent nuclear fuel into MAGNASTOR® Cask Systems that meet the criteria of Amendment No. 3 to CoC No. 1031 under 10 CFR 72.212.

III. Analysis of Public Comments

The NRC received one comment on the companion proposed rule to the direct final rule published on March 18, 2013. The comment was submitted by NAC on April 17, 2013 (ADAMS Accession No. ML13114A137). The public comment and the NRC's response is provided in the following paragraphs.

Comment. NAC's comment identified several corrections that needed to be made in the NRC's proposed TSs. Specifically, the corrections include:

- Modification of Table B2–4 ''Bounding PWR Fuel Assembly Loading Criteria—Enrichment/Soluble Boron Limits'' to include two sections; revision of the upper section title to ''TSC [Transportable Storage Cannister] with Undamaged PWR Fuel Basket Assembly Max. Initial Enrichment (wt%^{235}U [uranium-235])'' from ''Max. Initial Enrichment (wt% ^{235}U).'' The bottom section is titled ''TSC with Damaged PWR Fuel Basket Assembly Max. Initial Enrichment (wt% ^{235}U).''
- For the upper section of the revised table, the first five entries starting from the top of column 3, which is for an absorber with 0.036 boron-10 grams per cubic centimeter and a soluble boron concentration of 2000 parts per million, have been corrected. The values are revised from 4.0 percent to the values presented in Table 6.7.3–11 ''PWR System Generic Load Limits (0.036 10B g/cm2 Absorber)'' of Revision 4 of the MAGNASTOR® Final Safety Analysis Report (FSAR).
- The bottom section of the revised table contains the maximum initial enrichment values presented in the MAGNASTOR® Amendment No. 3 submittal, FSAR version 10B, changed page 6.7.8–90, Table 6.7.8–10.

Response. The NRC agrees with NAC's corrections. The corrections have been made in CoC No. 1031, Amendment No. 3, Appendix B, and the SER for this final rule.

IV. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC will revise the MAGNASTOR® Cask System design listed in § 72.214, List of Approved Spent Fuel Storage Casks. This action does not constitute the establishment of a standard that contains generally applicable requirements.

V. Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR. Although an Agreement State may not adopt program elements

reserved to the NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

VI. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883).

VII. Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in subpart A of 10 CFR part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has prepared an environmental assessment (ADAMS Accession No. ML13151A152) and, on the basis of this environmental assessment, has made a finding of no significant impact. This rule amends the CoC for the MAGNASTOR® Cask System design within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. Specifically, NAC requested changes to revise authorized contents to include: (1) PWR damaged fuel contained in damaged fuel cans that are placed in a damaged fuel basket assembly; (2) PWR fuel assemblies with nonfuel hardware per the expanded definition in the Amendment No. 3 application; and (3) PWR fuel assemblies with up to five activated stainless steel fuel replacement rods at a maximum burnup/exposure of 32.5 GWd/MTU.

This amendment also revises paragraph 4.3.1(i) in Appendix A of the CoC TSs to clarify that the maximum design basis earthquake accelerations of 0.37g in the horizontal direction (without cask sliding) and 0.25g in the vertical direction at the ISFSI pad top surface do not result in cask tip-over. Furthermore, this amendment makes additional changes to Appendix A and Appendix B of the CoC. The changes to the aforementioned documents are identified with revision bars in the margin of each document.

The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC's PDR, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Single copies of the environmental assessment and finding of no significant impact are available from the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

VIII. Paperwork Reduction Act Statement

This rule does not contain any information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget (OMB), Approval Number 3150–0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

IX. Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, the spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214. On November 21, 2008 (73 FR 70587), the NRC issued an amendment to 10 CFR part 72 that approved the MAGNASTOR® Cask System design by adding it to the list of NRC-approved cask designs in 10 CFR 72.214.

On August 26, 2010, and as supplemented on February 4, 2011, February 16, 2011, August 15, 2011, October 3, 2011, March 21, 2012, March 30, 2012, April 6, 2012, and April 22, 2013, NAC submitted an application to amend the MAGNASTOR® Cask System. The amendment revises authorized contents to include: (1) PWR damaged fuel contained in damaged fuel cans that are placed in a damaged fuel basket assembly; (2) PWR fuel assemblies with nonfuel hardware per the expanded definition in the Amendment No. 3 application; and (3) PWR fuel assemblies with up to five activated stainless steel fuel replacement rods at a maximum burnup/exposure of 32.5 GWd/MTU.

This amendment also revises paragraph 4.3.1(i) in Appendix A of the CoC TSs to clarify that the maximum design basis earthquake accelerations of 0.37g in the horizontal direction (without cask sliding) and 0.25g in the vertical direction at the ISFSI pad top surface do not result in cask tip-over. Furthermore, this amendment makes additional changes to Appendix A and Appendix B of the CoC. The changes to the aforementioned documents are identified with revision bars in the margin of each document.

The alternative to this action is to withhold approval of Amendment No. 3 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into MAGNASTOR® Cask System under the changes described in Amendment No. 3 to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of the final rule is consistent with previous NRC actions. Further, as documented in the SER and the environmental assessment, the final rule will have no adverse effect on public health and safety or the environment. This final rule has no significant identifiable impact or benefit on other Government agencies. Based on this regulatory analysis, the NRC concludes that the publication of the final rule is consistent with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is preferable, and therefore, this action is recommended.

X. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not have a significant economic impact on a substantial number of small entities. This final rule affects only nuclear power plant licensees and NAC International, Inc. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

XI. Backfitting and Issue Finality

The NRC has determined that the backfit rule (10 CFR 72.62) does not

apply to this final rule. Therefore, a backfit analysis is not required.

XII. Congressional Review Act

Under the Congressional Review Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH–LEVEL RADIOACTIVE WASTE AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act sec. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act sec. 102 (42 U.S.C. 4332); Nuclear Waste Policy Act secs. 131, 132, 133, 135, 137, 141, 148 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 549 (2005).

Section 72.44(g) also issued under secs. Nuclear Waste Policy Act 142(b) and 148(c), (d) (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under Atomic Energy Act sec. 189 (42 U.S.C. 2239); Nuclear Waste Policy Act sec. 134 (42 U.S.C. 10154). Section 72.96(d) also issued under Nuclear Waste Policy Act sec. 145(g) (42 U.S.C. 10165(g)). Subpart J also issued under Nuclear Waste Policy Act secs. 117(a), 141(h) (42 U.S.C. 10137(a), 10161(h)). Subpart K is also issued under sec. 218(a) (42 U.S.C. 10198).

■ 2. In § 72.214, Certificate of Compliance 1031 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1031.

Initial Certificate Effective Date: February 4, 2009.

Amendment Number 1 Effective Date: August 30, 2010.

Amendment Number 2 Effective Date: January 30, 2012.

Amendment Number 3 Effective Date: July 25, 2013.

SAR Submitted by: NAC International, Inc.

SAR Title: Final Safety Analysis Report for the MAGNASTOR® System.

Docket Number: 72–1031.

Certificate Expiration Date: February 4, 2029.

Model Number: MAGNASTOR.

* * * * *

Dated at Rockville, Maryland, this 12th day of June 2013.

For the Nuclear Regulatory Commission.

R.W. Borchardt,

Executive Director for Operations.

[FR Doc. 2013–15127 Filed 6–24–13; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 32, 159 and 160

[Docket ID OCC–2012–0007]

RIN 1557–AD59

Lending Limits

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is finalizing its lending limits interim final rule, with revisions. The interim final rule consolidated the lending limits rules applicable to national banks and savings associations, removed the separate OCC regulation governing lending limits for savings associations, and implemented section 610 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which amends the statutory definition of ''loans and extensions of credit'' to include certain credit exposures arising from derivative transactions, repurchase agreements, reverse repurchase agreements, securities lending transactions, and securities borrowing transactions.

DATES: The effective date of amendatory instruction 2b of this final rule is June 25, 2013. The effective date of the remaining amendments made by this final rule is October 1, 2013. The effective date of amendatory instruction 3a. of the interim final rule published on June 21, 2012, 77 FR 37277, and extended on December 31, 2012, 77 FR 76841, is delayed from July 1, 2013 to October 1, 2013.

FOR FURTHER INFORMATION CONTACT: Jonathan Fink, Assistant Director, Bank Activities and Structure Division, (202) 649–5500; Heidi M. Thomas, Special Counsel, Legislative and Regulatory Activities Division, (202) 649–5490; or Kurt Wilhelm, Director for Financial Markets, (202) 649–6437, Office of the Comptroller of the Currency, Washington, DC, 20219.

SUPPLEMENTARY INFORMATION:

I. Background

Section 5200 of the Revised Statutes, 12 U.S.C. 84, provides that the total loans and extensions of credit by a national bank to a person outstanding at one time shall not exceed 15 percent of the unimpaired capital and unimpaired surplus of the bank if the loan or extension of credit is not fully secured, plus an additional 10 percent of unimpaired capital and unimpaired surplus if the loan is fully secured. Section 5(u)(1) of the Home Owners' Loan Act (HOLA), 12 U.S.C. 1464(u)(1), provides that section 5200 of the Revised Statutes ''shall apply to savings associations in the same manner and to the same extent as it applies to national banks.'' In addition, section 5(u)(2) of HOLA, 12 U.S.C. 1464(u)(2), includes exceptions to the lending limits for certain loans made by savings associations. These HOLA provisions apply to both Federal and state-chartered savings associations.

Section 610 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] (Dodd-Frank Act) amends section 5200 of the Revised Statutes to provide that the definition of ''loans and extensions of credit'' includes any credit exposure to a person arising from a derivative transaction, repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction between a national bank and that person. This amendment was effective July 21, 2012. By virtue of section 5(u)(1) of the HOLA, this new definition of ''loans and extensions of credit'' applies to all savings associations as well as to national banks.

On June 21, 2012, the OCC published in the **Federal Register** an interim final

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

rule[2] that amended the OCC's lending limits regulation for national banks, 12 CFR part 32, by consolidating the lending limits rules applicable to national banks and savings associations[3] and implementing section 610 of the Dodd-Frank Act. The interim final rule also removed the separate OCC regulation at 12 CFR 160.93 that governed lending limits for savings associations.[4]

II. Description of the Final Rule and Public Comments

The OCC received numerous public comments from interested parties. These comments, the provisions of the interim final rule they address, and the resulting amendments to the interim final rule are discussed below.

A. Integration of Savings Associations

The OCC received no public comments in response to the amendments included in the interim final rule that integrate savings associations into part 32.[5] However, upon further review, the OCC is making the following technical amendments relating to the scope of the rule with respect to savings associations in order to avoid unintended or anomalous results.

1. Loans to Non-Consolidated Subsidiaries

The former lending limits rule applicable to savings associations, § 160.93(a), excluded loans made by savings associations and their subsidiaries consolidated in accordance with generally accepted accounting principles (GAAP-consolidated subsidiaries) to all subordinate organizations and savings association affiliates. Rules applicable in these situations were set forth in part 159. Specifically, § 159.5(b) established lending limits for loans by a Federal savings association and its GAAP-consolidated subsidiaries to non-consolidated subsidiaries. Section 159.5(b) did not set a specific lending limit for loans to GAAP-consolidated subsidiaries but provided that such a limit could be established if warranted by safety and soundness considerations.

The interim final rule carried over the existing exclusion from the lending limits rule for loans to GAAP-consolidated subsidiaries but did not exclude from the coverage of part 32 loans made to non-consolidated subsidiaries. Therefore, loans to non-consolidated subsidiaries of Federal savings associations were made subject to the lending limits in part 32, but no corresponding change was made to the limits set forth in part 159. As a result, the interim final rule subjected loans to non-consolidated subsidiaries of Federal savings associations to the lending limits set forth in both parts 32 and 159, which differ. This result was not intended.

This final rule corrects this overlap by replacing the lending limits set forth in § 159.5(b) with a cross-reference to part 32; by removing, as unnecessary, the reference to ''loans'' within § 159.5(c); and by making a conforming change to § 159.3(k)(2). This amendment also removes the provision in § 159.5(b)(2) that provides that the OCC may limit the amount of loans to GAAP-consolidated subsidiaries where safety and soundness considerations warrant such action. This language merely restates the OCC's statutory authority to apply prudential standards to loans by both national banks and Federal savings associations for safety and soundness reasons. Therefore, removal of § 159.5(b)(2) does not affect this authority.

2. Loans by Service Corporations

The interim final rule did not revise part 32 to address the aggregation of loans made by a service corporation with loans made by the parent savings association. For Federal savings associations, such aggregation is currently addressed by § 159.3(k)(2), which provides that loans made by a service corporation controlled by a Federal savings association are aggregated with the loans made by that savings association for purposes of the lending limits of part 32. For purposes of § 159.3(k)(2), ''control'' is defined by reference to 12 CFR part 174.[6] The control standard in part 174 is a broad standard that could potentially result in the aggregation of loans by non-consolidated service corporations with those of the parent savings association. The final rule avoids this result by revising the scope of part 32 to aggregate loans by GAAP-consolidated service corporations with those of the parent savings association. The final rule also makes conforming changes to § 159.3(k)(2).

3. Loans by Foreign Subsidiaries of Federal Savings Associations

Prior to the interim final rule, pursuant to former §§ 160.93(a) and 159.3(k), loans made by foreign and domestic subsidiaries, as defined by part 159, of a Federal savings association were aggregated with loans made by the parent savings association. The interim final rule amended part 32 to narrow the scope of the aggregation to encompass loans by domestic operating subsidiaries of savings associations only, the same standard that applied to national banks. The interim final rule did not amend the aggregation standard in § 159.3(k). As a result, part 32 and § 159.3(k) set forth different aggregation rules for loans made by foreign subsidiaries of Federal savings association.

To correct this anomaly, the final rule revises the scope section of part 32 to aggregate loans made by operating subsidiaries and GAAP-consolidated service corporations of savings associations with loans made by the parent institution. Loans by such subsidiaries will be aggregated with loans made by the parent savings association regardless of whether the subsidiary is foreign or domestic. Loans made by foreign subsidiaries of national banks will continue to be governed by the separate lending limits set forth in Regulation K.[7] Regulation K is not applicable to savings associations and, therefore, addressing loans made by foreign subsidiaries of savings associations in part 32 is appropriate.

The OCC also is removing the words ''bank's or savings association's'' in

[2] 77 FR 37265 (June 21, 2012).

[3] The OCC has rulemaking authority for lending limits regulations applicable to national banks and to all savings associations, both state- and Federally-chartered. However, the Federal Deposit Insurance Corporation (FDIC), not the OCC, is the appropriate Federal banking agency for state savings associations and enforces these rules as to state savings associations.

[4] Section 160.93 specifically applied 12 U.S.C. 84 and the lending limits regulations and interpretations promulgated by the OCC for national banks to Federal and state savings associations. Section 160.93 also implemented specific statutory lending limits exceptions unique to Federal and state savings associations.

[5] The OCC notes that the interim final rule's integration of savings associations into part 32 applied the existing definition for national banks of ''capital and surplus'' set forth at § 32.2(b) to savings associations. This definition differs from the definition of ''unimpaired capital and unimpaired surplus'' included in former § 160.93. Under former § 160.93, savings associations could add back any deductions to capital made for investments in non-includable subsidiaries, thereby increasing their capital calculation for lending limits and, thus, the amount they could loan to one borrower. However, this add-back is not permitted under the definition of ''capital and surplus'' in § 32.2(b). This change resulted in a reduction in the lending limits previously applicable to savings associations' investments in non-includable service corporations. This result is consistent with the treatment of a non-includable subsidiary capital deduction in the transaction with affiliates regulation (Regulation W), 12 CFR part 223, revised by the Board of Governors of the Federal Reserve System (Federal Reserve Board) on September 13, 2011. Part 223 applies to savings associations in place of former 12 CFR 563.41, which had permitted this deduction. *See generally* 76 FR 56508.

[6] 12 CFR 159.2.

[7] *See* 12 CFR 211.12(b).

§ 32.1(c)(1)(ii), as these words are redundant, and is making other conforming changes to § 32.1.

B. Section 610 of the Dodd-Frank Act

To implement the requirements of section 610 of the Dodd-Frank Act, the interim final rule amended the definition of ''loans and extensions of credit'' in § 32.2 to include certain credit exposure arising from a derivative transaction or a securities financing transaction, *i.e.,* a repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction. The interim final rule defined ''derivative transaction'' to include any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices, or other assets.

The interim final rule amended part 32 to provide national banks and savings associations with different options for measuring the credit exposures of derivative transactions and securities financing transactions for purposes of the lending limits rules. Providing these options was intended to reduce regulatory burden, particularly for smaller and mid-size banks and savings associations.

All of the comment letters received by the OCC on the interim final rule addressed the amendments implementing section 610. These comments, and any resulting amendments to part 32 made by this final rule, are discussed below.

We note that the OCC had extended, though a separate rulemaking,[8] the temporary exception period for the application of the section 610-related provisions of part 32 from January 1, 2013, as contained in the interim final rule, to July 1, 2013. As a result, national banks and savings associations are not currently required to comply with these provisions. However, the OCC has determined that a further extension of this temporary exception period is appropriate in light of the publication date of this final rule and in order to allow institutions that wish to use the Model Methods sufficient time to develop a model, receive approval for its use, and implement the model. Moreover, the other methods provided by the rule to measure credit exposure would not be appropriate for many institutions with large portfolios, as compared with the more risk-sensitive method of measuring credit exposures. Therefore, this final rule extends this temporary exception period through October 1, 2013. As a result, national banks and savings associations will not be required to comply with the section 610-related provisions as amended by the final rule until this date. As indicated in the preamble to the interim final rule, notwithstanding this extension, the OCC retains full authority to address credit exposures that present undue concentrations on a case-by-case basis through our existing safety and soundness authorities.

1. Scope of Rule

Some commenters requested clarification of, or changes to, the application of the section 610-related provisions of the interim final rule to specific types of transactions. Specifically, three financial trade associations requested that the rule clarify that options sold and fully paid for are not covered by the rule because these types of exposures have no ongoing credit exposure beyond settlement, *i.e.,* when an option is paid-up, there is no further performance obligation by the counterparty and no further credit exposure. The OCC agrees that these transactions do not give rise to credit exposure for the purpose of the lending limits. When a bank sells an option and that option is fully paid, there is no counterparty credit risk because the bank is not entitled to anything further from the counterparty. This fact is evident from the nature of the transaction, and it is not necessary to amend the final rule.

Another commenter, a nonprofit organization, requested that the final rule not exempt securities financing transactions involving Federal- and state-related securities from the lending limits[9] because this exemption is not explicitly required by section 610 and such transactions are not free from the risk to the institution of counterparty default. The OCC disagrees with this recommendation. These types of transactions typically involve less risk than other securities financing transactions. Moreover, this exception is consistent with the longstanding exceptions in sections 5200(c)(4) and (5) and § 32.3(c)(3), through (c)(5), which provide exceptions for loans secured by U.S. obligations, loans to or guaranteed by Federal agencies, or loans to or guaranteed by state or local governments. In addition, section 5200(d) grants the OCC the authority to establish limits or requirements other than those specified in the statute for particular classes or categories of loans or extensions of credit. Furthermore, an exemption for these types of securities financing transactions is consistent with the treatment of reverse repurchase agreements in § 32.2(q)(1)(vii), under which such transactions are treated as loans subject to an exception for transactions relating to Type I securities as defined in 12 CFR part 1.[10] We therefore decline to remove this exemption in the final rule.

2. Methods To Measure Credit Exposure

In general. The interim final rule provides three methods for calculating credit exposure of derivative transactions other than credit derivatives, and two methods for securities financing transactions.[11] Unless required to use a specific method by the appropriate Federal banking agency for safety and soundness reasons, a national bank or savings association may choose which of these methods it will use.[12] However, under the interim final rule, a national bank or savings association must use the same method for calculating credit exposure arising from all derivative transactions and the same method for all securities financing transactions.[13]

A number of financial institution trade associations requested that the OCC apply the requirement to use a specific method as determined by the appropriate Federal banking agency only prospectively and to phase it in over time. These commenters also asked the OCC to set forth the factors it might use in exercising discretion to impose this requirement. The OCC declines to limit this provision only to future transactions. We find that the discretion of the appropriate Federal banking agency to require, on a case-by-case basis, application of a specific method to prior and/or future transactions is a necessary supervisory tool for safety and

[8] 77 FR 76841 (Dec. 31, 2012).

[9] The interim final rule exempts Type I securities, as defined in 12 CFR 1.2(j), in the case of national banks; and securities listed in section 5(c)(1)(C), (D), (E), and (F) of HOLA and general obligations of a state or subdivision as listed in section 5(c)(1)(H) of HOLA, 12 U.S.C. 1464(c)(1)(C), (D), (E), (F), and (H), in the case of savings associations.

[10] This specific provision will be removed when the rule's temporary exception period for derivative and securities financing transactions expires, as it will then be unnecessary.

[11] We note that the Basel Committee on Banking Supervision has established a working group to examine the risks associated with weaknesses and inconsistencies in large exposure limit regimes across jurisdictions and to decide whether an international agreement on large exposure limits is warranted. If such an agreement is reached, the OCC would consider whether further amendments to part 32 are necessary and appropriate.

[12] *See* § 32.9(b)(3), renumbered as § 32.9(b)(4) in the final rule, and § 32.9(c)(2).

[13] *See* §§ 32.9(b)(1) and 32.9(c)(1).

soundness purposes. This discretion would permit the agency to phase in the required method, as appropriate. Examiners will coordinate with the bank or savings association to ensure any change in methods is managed fairly and is consistent with safety and soundness.

Commenters also requested that the OCC permit these institutions to apply different calculation methods based on transaction or product type, and that the rule should provide guidance with respect to transitioning between methods. While the OCC does not intend to permit institutions to exercise unlimited discretion to pick and choose among the calculation methods for different derivative or securities financing transactions, we recognize that there may be circumstances in which the use of only one calculation method for all transactions may present safety and soundness concerns or may not be practically feasible. For example, an institution may develop a new transaction type after it has developed, and received approval for the use of, its model. As discussed above, examiners already have the flexibility under the interim final rule *to require* that a particular measurement method for a particular subset of derivative or securities financing transactions be used to calculate credit exposure. However, in order to clarify that an institution may request to use a specific method, and that the OCC may permit a specific method to be used for one or more transactions or transaction types, we have amended both § 32.9(b)(3) (renumbered in the final rule as § 32.9(b)(4)) and § 32.9(c)(2) to provide that the appropriate Federal banking agency may, at its discretion, *permit* a national bank or savings association to use a specific method to calculate credit exposure, and that this method may apply to all or specific transactions if the appropriate Federal banking agency finds that such method is consistent with the safety and soundness of the bank or savings association. Institutions obtaining permission to use an alternative method should work with their examiners to ensure a proper transition to use of the new method.

Internal Model for Derivative Transactions and Securities Financing Transactions. The interim final rule permits national banks and savings associations to calculate credit exposure for derivative transactions and securities financing transactions through the use of an internal model. For *derivative transactions,* § 32.9(b)(1)(i) provides that counterparty credit exposure is measured by adding the current credit exposure (the greater of zero or the mark-to-market (MTM) value) of the transaction and the potential future exposure (PFE) of the transaction. Under § 32.9(b)(1)(i)(C) of the interim final rule, a bank or savings association must calculate its PFE by using an internal model that has been approved for purposes of Section 53 of the Internal-Ratings-Based and Advanced Measurement Approaches Appendix (Advanced Approaches Appendix) of the appropriate Federal banking agency's capital rules [14] or any other appropriate model approved by the appropriate Federal banking agency. Section 32.9(b)(1)(i)(D) provides that a national bank or savings association that calculates its credit exposure arising from derivative transactions by using an internal model may net exposures arising under the same qualifying master netting agreement, thereby reducing the institution's exposure to the borrower to the net exposure under the master netting agreement.

Similarly, for *securities financing transactions,* § 32.9(c)(1)(i) of the interim final rule permits an institution to calculate credit exposure by using an internal model approved by the appropriate Federal banking agency for purposes of Section 32(d) of the Internal-Ratings-Based Appendices of the appropriate Federal banking agency's capital rules,[15] as appropriate, or any other appropriate model approved by the appropriate Federal banking agency.

Most commenters discussed this modeling option. One commenter, a nonprofit organization, stated that institutions should not be permitted to use internal models for lending limits purposes. The OCC disagrees with this comment and is retaining the modeling option in the final rule. The use of an internal model, with the safeguards described below, improves the accuracy of the calculation of the institution's credit exposures to derivative and securities financing transactions. Not including such a modeling option, as advocated by the commenter, would result in a rule that would not accurately reflect counterparty exposure for certain banks. Importantly, the rule applies appropriate supervisory safeguards to a national bank's or savings association's use of an internal model. Specifically, a national bank or savings association may not use an internal model unless the use of the model has been approved by the appropriate Federal banking agency for purposes of the Advanced Approaches Appendix of the agency's capital rule (and, as discussed below, the institution has provided prior written notice to the agency of its use of the model for part 32 purposes) or specifically approved by the agency for purposes of the lending limits rule. Furthermore, also as discussed below, this final rule provides that the use of the model for lending limits purposes following any subsequent substantive change to it must be approved by the appropriate Federal banking agency.

Some commenters requested the OCC to clarify the nature of the internal model approval process, including the standards for approval and duration of the process. For the use of a model not previously approved pursuant to the Advanced Approaches Appendix, the OCC intends that the OCC approval process will include a thorough institution and OCC review of the model's specific use for part 32 and the institution's ability to monitor the risks associated with the transactions, and will be separate and apart from any approval of the use of a model for other purposes. In addition, the approval of the use of the model will be in writing. We have amended § 32.9 to specify these criteria. National banks or Federal savings associations that seek approval for the use of a model pursuant to part 32 should contact their examiner-in-charge to begin the approval process.[16] As indicated above, we also have amended § 32.9 to require a bank or savings association to provide prior written notice to the appropriate Federal banking agency before using an internal model for lending limits purposes the use of which has been previously approved by the agency for purposes of the Advanced Approaches Appendix.[17] Also as indicated above, we have added

[14] 12 CFR part 3, Appendix C, Section 53 for national banks; 12 CFR part 167, Appendix C, Section 53 for Federal savings associations; and 12 CFR 390, subpart Z, Appendix A, Section 53 for state savings associations.

[15] 12 CFR part 3, Appendix C, Section 32(d) for national banks; 12 CFR part 167, Appendix C, Section 32(d) for Federal savings associations; and 12 CFR 390, subpart Z, Appendix A, Section 32(d) for state savings associations.

[16] We note that this preamble discusses the OCC's process for approval of the use of internal models for national banks and Federal savings associations. The FDIC, in the case of state savings associations, and the Federal Reserve Board, in the case of state-licensed branches of foreign banking organizations, will have their own internal processes for approving the use of such models. Some commenters requested that the OCC coordinate with the FDIC and Federal Reserve Board to ensure that such agencies will be in a position to approve internal models by the expiration of the temporary exception for compliance. The OCC will, as appropriate, consult with both the FDIC and Federal Reserve Board. However, these agencies are responsible for implementing this rule for their regulated institutions.

[17] 12 CFR 32.9(b)(1)(i)(C)(*1*)(*i*) and 12 CFR 32.9(c)(1)(i)(A)(*1*) of the final rule.

to the final rule a requirement that if a national bank or savings association makes a substantive revision to a model after the appropriate Federal banking agency's approval, either pursuant to the Advanced Approaches Appendix or part 32, the use of the revised model must be approved by the agency before it may be used for purposes of part 32.[18]

Commenters also requested that in the event that the use of a bank's internal model is not yet approved, or approved and not yet implemented, by the end of the temporary exception period, the appropriate Federal banking agency should approve on a provisional basis a bank's or savings association's calculation of credit exposures using existing internal models. Furthermore, these commenters said that the agency should approve for lending limits purposes on a provisional basis, if appropriate, the use of models that are in the process of being approved. The OCC disagrees. As discussed above, to appropriately support the determination that a model is appropriate for measuring the credit exposure of a derivative transaction or securities financing transaction under part 32 and adequately addresses the risks of the transaction, approval of the use of a model must be made specifically for part 32 and must be obtained prior to the model's use for this purpose, unless the use of the model has already been approved for purposes of the Advanced Approaches Appendix. Therefore, in order to ensure the safety and soundness of a national bank or Federal savings association, for part 32 purposes the OCC will not approve the use of a model on a provisional basis and will not permit the model's use before final approval. However, we do not intend that this approval requirement necessitate the development of a new model specifically for use under part 32. A national bank or Federal savings association may present an existing internal model for approval by the OCC for use as a lending limits model. For example, an institution may present an internal model it has developed for use under the Advanced Approaches Appendix but which has not yet been approved for that use. Because most complex banks have developed such models that address counterparty risk, we believe compliance with the approval requirement will be possible prior to the end of the extended exception period.

Commenters also requested clarification regarding the interim final rule's reference in §§ 32.9(b)(1)(i)(C) and 32.9(c)(1)(i) to an internal model that has been approved by the appropriate Federal banking agency for purposes of the Advanced Approaches Appendix. Technically, pursuant to the Advanced Approaches Appendix, the agency does not separately approve the use of the institution's model but instead approves the institution's exit from parallel run and its use of the Advanced Approaches, for which the institution has developed the internal model.[19] We confirm that this approval to exit parallel run constitutes ''approval'' of the use of the institution's model for purposes of part 32, and have added language to §§ 32.9(b)(1)(i)(C) and 32.9(c)(1)(i) of the final rule to clarify this point.

We also have further clarified the rule by changing the name of the method provided by §§ 32.9(b)(1)(i) and 32.9(c)(1)(i) in the final rule from ''Internal Model Method'' to ''Model Method.'' This change should alleviate confusion with the Internal Models Approach for calculating the risk-weighted asset amount for equity exposures included in the agencies' capital rules.

Furthermore, we have replaced the provisions of the Advanced Approaches Appendix referenced in the model methods. For derivative transactions, in response to a commenter, we have amended § 32.9(b)(1)(i)(C) to replace the reference to Section 53 of the Advanced Approaches Appendix with a reference to Section 32(d) of the Appendix. Section 53 refers to the modeling of equity risk (a form of market risk) rather than counterparty risk and is more general in nature. Section 32(d) more appropriately refers to the modeling of counterparty credit exposure arising from derivatives, *i.e.* credit risk, and specifically accounts for collateral. Likewise, for securities financing transactions, we have amended § 32.9(c)(1)(i) so that it references Section 32(b) of the Advanced Approaches Appendix instead of Section 32(d) of the Appendix. The OCC finds that the model provided for by Section 32(b) of this Appendix is the more appropriate model for measuring credit exposure of securities financing transactions for the lending limits rule.

Non-Model Methods. The interim final rule provides two non-model measurement methods for credit exposures arising from derivative transactions and one non-model measurement method for credit exposures arising from securities financing transactions.

For derivative transactions, national banks and savings associations may choose either the Conversion Factor Matrix Method, set forth in § 32.9(b)(1)(ii), or the Remaining Maturity Method, as set forth in § 32.9(b)(1)(iii). Under the Conversion Factor Matrix Method, the credit exposure is equal to, and remains fixed at, the PFE of the derivative transaction, as determined at execution of the transaction by reference to a simple look-up table (Table 1 of the interim final rule). To clarify this calculation, the OCC has made a technical amendment to the rule to provide that the PFE of the derivative transaction under this method equals the product of the notional amount of the derivative transaction and a fixed multiplicative factor determined by reference to Table 1 of this section.

The credit exposure for derivative transactions calculated under the Remaining Maturity Method incorporates both the current MTM and the transaction's remaining maturity (measured in years) as well as a fixed add-on for each year of the transaction's remaining life by adding the current MTM value of the transaction to the product of the notional amount of the transaction, the remaining maturity of the transaction, and a fixed multiplicative factor. These multiplicative factors differ based on product type and are determined by a look-up table (Table 2 of the interim final rule).

One commenter stated that the credit exposures under the Conversion Factor Matrix Method for derivative transactions should be marked-to-market rather than fixed at inception in order to properly value the amount of credit risk. Because the market value of these transactions can change significantly from the time of execution, the commenter notes that this approach could cause an institution's exposure to a borrower to exceed the lending limits on a MTM basis routinely without being required to reduce the exposure. The OCC disagrees. As noted in the preamble to the interim final rule, we are aware that, under the Conversion Factor Matrix Method, the actual MTM value at a given point in the life of a derivative contract may exceed the initially estimated PFE, and that it would be possible for a bank to make a new loan that, combined with the actual exposure (were such exposure based on current MTM value), could exceed the lending limits. However, the OCC believes that the risks in such case are limited and can be addressed in the

[18] 12 CFR 32.9(b)(1)(i)(C)(*2*) and 12 CFR 32.9(c)(1)(i)(B) of the final rule.

[19] *See* 12 CFR part 3, Appendix C, Section 21 for national banks; 12 CFR part 167, Appendix C, Section 21 for Federal savings associations; and 12 CFR 390, subpart Z, Appendix A, Section 21 for state savings associations.

institutions likely to use this method (smaller, less complex institutions) during the supervisory process by examiners appropriately responding to transactions or concentrations that raise safety and soundness concerns. For example, examiners could require the bank or savings association to measure credit exposure by means of a different method if doing so is appropriate for safety and soundness purposes. Allowing non-complex banks and savings associations to ''lock-in'' the attributable exposure at the execution of the contract provides for certainty and simplicity, with limited risk.[20]

A number of trade association and financial institution commenters also recommended that the OCC amend the final rule to permit the use of the ''Current Exposure Methodology'' (''CEM'') as an additional option for measuring credit exposure of derivative transactions. The CEM is used under the Federal banking agencies' current regulatory capital rules, both Basel I and II capital regimes, and would be retained under the Standardized and Advanced Approaches Basel III-related proposals released by the OCC and the other Federal banking agencies.[21] Under the CEM, a bank calculates the credit exposure for derivative transactions by adding the current exposure (the greater of zero or the MTM value) and the PFE (calculated by multiplying the notional amount by a specified conversion factor which varies based on the type and remaining maturity of the contract) of the derivative transactions. In particular, the commenters note that the CEM incorporates additional calculations for netting arrangements and collateral and uses multipliers that are more tailored to computing the PFE of derivative transactions. The CEM, they reason, would provide a more refined analysis of credit exposure than either the Conversion Factor Matrix Method or the Remaining Maturity Method. In addition, because of its use in the capital rules, these commenters note that the CEM is familiar to both the industry and regulators as an available measure of derivative exposures and its use for measuring credit exposure under the lending limits rule would therefore introduce less burden and operational risk than would the use of a new and different methodology for a narrow regulatory purpose.

The OCC agrees with these commenters that the CEM should be permitted for use by national banks and savings associations in calculating credit exposure arising from derivative transactions (other than credit derivative transactions). For the reasons noted above, it is superior to the Remaining Maturity Method for institutions that do not model exposures but want to adopt a more risk-sensitive method than that provided by the Conversion Factor Matrix Method. Therefore, the OCC is amending part 32 to replace the Remaining Maturity Method option with a CEM option.

A number of commenters recommended that, as with the Model Method, the OCC should permit banks and savings associations using the non-model approaches to net transactions under a qualifying master netting agreement and to recognize collateral in measuring credit exposure. These commenters note that the capital rules, payment system risk reduction efforts, and the current lending limits rule recognizes the beneficial effects of netting or collateral in reducing credit exposure. Additionally, the commenters request that the rule outline the forms of collateral the bank may rely on to offset credit exposure and suggest that this collateral should reduce the credit exposure as long as the collateral is permissible and appropriate under a valid and legally enforceable agreement. The OCC notes that the CEM option as added by this final rule provides for some netting of PFEs and, therefore, along with the presence in the rule of the Model Method option, addresses the commenters' netting concerns. The OCC also notes that part 32 already provides for exemptions for loans and extensions of credit secured by certain types of collateral, and, as noted above, the CEM incorporates additional calculations for collateral.[22] These exemptions apply to the credit exposures arising from derivative transactions, as well as securities financing transactions, now covered by the lending limits rule just as they do to other loans and extensions of credit. Therefore, no amendment is necessary to recognize collateral that may reduce credit exposure for derivative transactions.

Some commenters noted that the non-model methods for derivative transactions do not differentiate between the credit exposures of interest rate swaps that are amortized from those that are not amortized. These commenters suggest that the final rule should reflect amortization in any calculation of the PFE of these swaps because the risk associated with a swap that is amortized is reduced as the notional amount decreases over the life of the swap. While we acknowledge the commenters' concerns, we do not agree that a change to the rule text to address this comment is needed. The Conversion Factor Matrix Method and the CEM provide institutions with a simple, albeit more conservative, approach to measuring credit exposure. Preserving the simplicity of these non-model methods outweighs any added accuracy that may be achieved by distinguishing between amortized and non-amortized instruments. Additionally, the CEM included in the current regulatory capital rules does not distinguish between an amortizing swap and a non-amortizing swap; therefore, we believe that it is reasonable to preserve this treatment for purposes of the legal lending limits. Further, we note that institutions may use the Model Method to account for credit exposures arising from derivative transactions, including amortizing interest rate swaps, should they so desire.

For securities financing transactions, the calculation of the credit exposure under the Non-Model Method in the interim final rule is based on the type of securities financing transaction at issue. For a repurchase agreement or a securities loan where the collateral is cash, exposure under the lending limits is equal to and remains fixed at the net current exposure, *i.e.,* the market value at execution of the transaction of securities transferred to the other party, less cash received from the other party.[23] For securities lending transactions where the collateral is other securities (*i.e.,* not cash), the exposure is equal to and remains fixed at the product of the higher of the two haircuts associated with the securities, as determined by a look-up table included in the regulation (Table 3 in the interim final rule, renamed Table 2 in the final rule), and the higher of the two par values of the securities.[24] The credit

[20] We have revised Table 1 in the final rule to conform the format of its content; there are no substantive changes.

[21] *See* 12 CFR part 3, Appendix C, Sections 32(c)(5)–(7), 12 CFR part 167, Appendix C, Sections 32(c)(5)–(7), or 12 CFR part 390, subpart Z, Appendix A, Sections 32(c)(5)–(7), as appropriate. Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Minimum Regulatory Capital Ratios, Capital Adequacy, Transition Provisions, and Prompt Corrective Action, Joint Notice of Proposed Rulemaking, 77 FR 52792 (August 30, 2012). Regulatory Capital Rules: Standardized Approach for Risk-weighted Assets; Market Discipline and Disclosure Requirements, Joint Notice of Proposed Rulemaking, 77 FR 52888 (August 30, 2012). Regulatory Capital Rules: Advanced Approaches Risk-based Capital Rule; Market Risk Capital Rule, Joint Notice of Proposed Rulemaking, 77 FR 52978 (August 30, 2012).

[22] *E.g.* 12 CFR 32.3(c)(3), (4) and (5).

[23] 12 CFR 32.9(c)(1)(ii)(A) and 12 CFR 32.9(c)(1)(ii)(B)(*1*).

[24] 12 CFR 32.9(c)(1)(ii)(B)(*2*). The haircuts in this table are consistent with the standard supervisory

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exposure arising from a reverse repurchase agreement, also known as an asset repo, or a securities borrowing transaction where the collateral is cash, equals and remains fixed at the product of the haircut associated with the collateral received, as determined in this same table, and the amount of cash transferred to the other party.[25] For a securities borrowing transaction where the collateral is other securities (*i.e.,* not cash), the credit exposure equals and remains fixed at the product of the higher of the two haircuts associated with the securities, as determined in the table, and the higher of the two par values of the securities.[26]

Commenters requested that the OCC permit banks to measure credit exposure of securities financing transactions by applying the standard supervisory haircuts for such transactions using the current risk-based capital rules of the appropriate Federal banking agency's capital rules [27] or the proposed Basel III Advanced Approaches rules [28] once finalized (collectively, the Basel Collateral Haircut Approach) as an additional non-model approach. These commenters note that under the Basel Collateral Haircut Approach, exposure value changes as the market value of the securities changes, while under the Non-Model Method in the interim final rule, exposure remains fixed at the inception of the securities financing transaction. Furthermore, the Basel Collateral Haircut Approach applies haircuts to the market value of the securities for both repurchase/securities lending transactions and reverse repurchases/securities borrowing transactions, while the Non-Model Method of the interim final rule applies haircuts only to the cash amount of a reverse repurchase agreement/securities borrowing transaction. In addition, these commenters note that not allowing banks to use the Basel Collateral Haircut Approach means that banks would be required to perform two separate calculations, one for the lending limits rule and one for Basel II/III, even though the different calculations would not result in materially different exposure amounts.

The OCC agrees with these commenters and has included in the final rule this additional method of measuring credit exposure for securities financing transactions, named in the rule as the Basel Collateral Haircut Method, as a new § 32.9(c)(1)(iii). We find that this approach permits a more accurate characterization of the true exposure over the life of the transaction for those national banks or savings associations that do not use an internal model and for which the existing non-model approach in the interim final rule is not optimal. In addition, because this approach is currently used by certain national banks and savings associations for purposes of the capital rules, it will eliminate redundancy and associated regulatory burden for these institutions.

As a result of adding this new non-model method for securities financing transactions, the final rule changes the name of the ''Non-Model Method'' included in the interim rule to ''Basic Method.'' The final rule also makes a technical correction to renamed Table 2 to describe the correct length of maturity for sovereign entities with maturities of more than 5 years.

3. Exposures to Central Counterparties

Under the interim final rule, exposures to central counterparties are credit exposures subject to the lending limits. Industry commenters to the interim final rule recommended that the OCC either exclude these exposures from an institution's lending limits or assign the exposures a higher lending limit. These commenters believe that the OCC should not subject these exposures to the lending limits because the Dodd-Frank Act has mandated the migration of many derivative transactions to central counterparties, and those parties will be subject to regulation. In addition, the commenters note that applying the lending limits rule to central counterparty exposures could reduce the incentive to use central counterparties or prevent some institutions from engaging in certain transactions, thus limiting the availability of certain products to customers. One commenter also notes that applying the lending limits to exposures to central counterparties is unnecessary because central counterparties are more akin to a group of borrowers than ''one borrower,'' with the central counterparty insulating each clearing member and clearing customer from risks associated with the default of an individual counterparty.

Commenters also addressed the issue of applying the lending limits rule to an institution's contributions to a central counterparty's guaranty fund. Some commenters stated that the lending limits rule should apply to these contributions because they are equivalent to committed lines of credit. Others argued that the rule should not apply, or its application should be tailored.

The OCC does not agree that the lending limits rule should exclude credit exposures to central counterparties or central counterparty guaranty funds given the concentrated nature of these exposures. The lending limits serve the purpose of preventing an undue concentration of credit risk to one party, including an institution's credit exposures to central counterparties. Furthermore, permitting banks to use models to measure their exposure to central counterparties, combined with prudent credit risk management practices by clearing member banks, makes it unlikely that applying the rule to such credit exposures will cause an institution's exposures to one borrower to reach the institution's legal limit. To clarify how banks and savings associations must measure counterparty exposures to central counterparties, we have added a new § 32.9(b)(3). This new provision says that, in addition to the amount calculated under § 32.9(b), the measure of exposure to a central counterparty shall include the sum of the initial margin posted, plus any contributions to a guaranty fund at the time such contribution is made, if not already reflected in the calculation. This new provision is generally consistent with interpretive positions taken by the OCC.[29] However, the OCC recognizes that the role of central counterparties in the domestic and international financial industry is dynamic and that uncertainties exist as to how this role will evolve, especially given the role assigned to central clearinghouses by the Dodd-Frank Act and choices of the bank's or savings association's client as to using certain central counterparties.[30] Therefore, the OCC will continue to monitor the role of central counterparties and will revisit our lending limits rule for exposures to such entities if necessary.

4. Credit Derivatives

The OCC received a number of comments on the interim final rule's treatment of credit exposures arising from credit derivatives. Section 32.9(b)(2) of the interim final rule applies a special rule for calculating the credit exposure of credit derivatives, a transaction in which a national bank or

market price volatility haircuts in 12 CFR part 3, Appendix C, Section 32(b)(2)(ii).

[25] 12 CFR 32.9(c)(1)(ii)(C) and 12 CFR 32.9(c)(1)(ii)(D)(*1*).

[26] 12 CFR 32.9(c)(1)(ii)(D)(2).

[27] 12 CFR part 3, Appendix C, Section 32(b)(2)(i) and (ii); 12 CFR part 167, Appendix C, Section 32(b)(2)(i) and (ii); or 12 CFR part 390, subpart Z, Appendix A, Section 32(b)(2)(i) and (ii), as appropriate.

[28] *See* footnote 21.

[29] *See, e.g.,* OCC Interpretive Letter No. 1113, March 4, 2009.

[30] In general, section 723 of the Dodd-Frank Act requires the central clearing of certain derivatives.

savings association buys or sells credit protection against loss on a third-party reference entity. Specifically, a protection purchaser that uses one of the non-model methods for derivative transactions, or that uses a model without entering an effective margining arrangement with its counterparty as defined in § 32.2(l) of the interim final rule, calculates the *counterparty* credit exposure arising from credit derivatives by adding the net notional value of all protection purchased from the counterparty across all reference entities.[31] In addition, a protection seller calculates the credit exposure to a *reference entity* arising from credit derivatives by adding the notional value of all protection sold on that reference entity.[32] However, the protection seller may reduce its exposure to a reference entity by the amount of any eligible credit derivative, which is defined in § 32.2(m) of the interim final rule as a single-name credit derivative or standard, non-tranched index credit derivative that meets certain requirements, purchased on that reference entity from an eligible protection provider, as defined in § 32.2(o).

Some commenters requested that the OCC amend the definition of ''eligible credit derivative'' to allow banks to obtain relief for the purchase of credit protection using standard tranched index credit derivatives in addition to standard non-tranched index credit derivatives. As both tranched and non-tranched index credit derivatives are highly standardized, rely on the same triggering events for payments, and calculate payments from the protection provider on the basis of the same auction-determined prices, the commenters do not believe that an institution's ability to reduce its exposures under the rule should be limited to only non-tranched index credit derivatives. The OCC disagrees with these comments and has not amended the final rule to define ''eligible credit derivative'' to include standard tranched index credit derivatives at this time. We will address this issue if we later determine, after experience implementing this rule, that such a change is warranted.

Commenters also recommended that the OCC clarify that the definition of ''eligible credit derivative'' includes, in the case of sovereign or municipality reference obligors, contracts in which the credit event is a restructuring. Because bankruptcy and insolvency regimes generally do not exist for these types of reference obligors, standard credit default swap (CDS) contracts on sovereign and municipal reference exposures instead cover the buyer of protection for restructurings that, while not conducted by a bankruptcy court or receiver, nonetheless bind the holders of the sovereign or municipal debt to changes in principal, interest, or similar economic terms of the debt. It was not the OCC's intent to exclude restructurings of such obligors in this definition. Therefore, we have amended the definition of ''eligible credit derivative,'' at § 32.2(m)(3)(ii), by specifically including a restructuring for obligors not subject to bankruptcy or insolvency as a credit event for a CDS.

Some commenters opposed the provision in the interim final rule, § 32.9(b)(2), that requires a national bank or savings association to enter an effective margining arrangement in order to use an internal model approach to calculate counterparty exposure arising from a credit derivative. Absent the effective margining arrangement, the bank or savings association must calculate its counterparty credit risk exposure by adding notional amounts across all reference entities for each counterparty. The interim final rule defines ''effective margining arrangement'' as a master legal agreement governing derivative transactions between a bank or savings association and a counterparty that requires the counterparty to post, on a daily basis, variation margin to fully collateralize that amount of the bank's net credit exposure to the counterparty that exceeds $1 million created by the derivative transactions covered by the agreement. These commenters stated that selection of a $1 million threshold is arbitrary and unnecessary because an effective model should take into account whatever threshold is applicable for a particular margining arrangement. The OCC does not agree with this comment and finds that variation margin is an important credit risk mitigation tool for prudent participation in over-the-counter derivatives markets. Beyond a prudently established variation margin threshold, the OCC does not believe it is appropriate to permit an institution to use the Model Method for credit derivatives transactions. Many large institutions currently require, or likely soon will require, that *all* credit exposures from derivative transactions be fully collateralized. Therefore, we believe defining ''effective margining arrangement'' to include a threshold is appropriate from a safety and soundness perspective, conforms with current and evolving industry standards, and is consistent with efforts to prevent the type of uncollateralized credit derivatives exposures that proved problematic during the financial crisis.

After further review of this issue, however, we believe that it is appropriate to increase the threshold amount in the definition of effective margining arrangement to reflect any existing agreements with thresholds above $1 million. This change would allow banks and savings associations with such existing margining agreements to use the Model Method without having to renegotiate and modify the agreements. We have limited this increase to $25 million, an amount that we believe adequately covers the bulk of these existing agreements. To help ensure that this increase in threshold amount will not raise new safety and soundness concerns, we have adjusted the rule to provide that the amount of the threshold under an effective margining arrangement is added to the amount of counterparty exposure calculated by the Model Method. Thus, the amount of the threshold would be subject to the lending limit. Of course, this adjustment to the rule in no way obviates or modifies the ongoing requirement that an institution's margining arrangements, including as to the threshold amounts that do not exceed the threshold used in the lending limits rule, must be consistent with safe and sound banking practices.

Commenters also requested that the OCC permit national banks to purchase credit protection, such as default or total return swaps, to reduce all types of credit exposure to a borrower.[33] Under the interim final rule, the purchase of credit protection can only reduce credit derivative exposure to a reference obligor, not other exposures such as traditional loans and extensions of credit. The commenters note that the purchase of credit protection is a well-

[31] The protection buyer is exposed to the counterparty risk of the seller; the buyer expects payment from the seller if there is a default. Technically, the seller also bears a degree of counterparty credit risk; this risk is not being captured by the lending limits.

[32] Section 610 of the Dodd-Frank Act applies the lending limits to counterparty credit exposures arising from derivative transactions (''credit exposure *to a person* arising from a . . . transaction between the national banking association *and the person''*) (emphasis added). Section 610 (a)(1), as codified at 12 U.S.C. 84(b)(1)(C). The OCC's authority to apply the lending limits to exposures to reference entities in credit derivatives derives from 12 U.S.C. 84(b)(1)(B) (loans subject to the lending limits include ''to the extent specified by the Comptroller of the Currency, any liability . . . to advance funds to or on behalf of a person pursuant to a contractual commitment'').

[33] The OCC notes that a national bank or savings association may only purchase such credit protection if the transaction is otherwise permitted under applicable law. *See e.g.,* 12 U.S.C. 1851 and any implementing regulations.

accepted risk management technique and is recognized in the *Comptroller's Handbook* on Concentrations of Credit as a useful strategy for managing credit concentration risk.[34] They recommend that where the protection contract maturity is as long as the maturity for the other exposure, protection purchased from an eligible protection provider should be permitted under the rule to be used to reduce all types of covered credit exposure.

After careful consideration, the OCC agrees that credit protection purchased should be allowed to offset other types of credit exposures, under certain circumstances as suggested by the commenters, but only on a limited basis. Specifically, we have added a new § 32.2(q)(2)(vii) to exclude from the lending limits rule that part of a loan or extension of credit for which a national bank or savings association has purchased protection if: that protection is by way of a single-name credit derivative that meets the requirements for an eligible credit derivative contained in § 32.2(m)(1) through (7); the credit derivative is purchased from an eligible protection provider; the reference obligor is the same legal entity as the borrower in the loan or extension of credit; and the amount and maturity of the protection purchased equals or exceeds the amount and maturity of the loan or extension of credit. However, even if all of these requirements are satisfied, the total amount of such exclusion may not exceed 10 percent of the bank's or savings association's capital and surplus.[35] We believe this policy strikes an appropriate balance by conforming the lending limits rule to existing agency policy on the purchase of credit protection (such as the policy cited by the commenters) while placing a ceiling on a bank's ability to obtain relief from the lending limits in this manner.

Three financial trade associations stated that the interim final rule is not clear as to whether, and, if so, how, it covers credit exposures arising from tranched index credit derivatives. The commenters noted that the rule requires banks to use ''notional value'' to calculate credit exposure on protection sold, but there are several different notional amounts identified in tranched index CDS documentation, and none of these can reasonably be understood as a proxy for credit exposure.

The OCC understands that the interim final rule does not resolve questions regarding the measurement of exposures arising from tranched credit derivatives, whether they are standard index or bespoke tranches. However, because there are different notional amounts that could apply to tranched exposures, none of which may be indicative of the risk to a particular reference entity, it is difficult to apply a specific rule for all situations. Instead, we intend to address this issue through OCC interpretations. This approach will allow the OCC to more thoroughly examine the transactions at issue and apply approaches that most accurately calculate the notional amount attributable to each reference entity in a specific tranche.

5. Securities Financing Transaction-Specific Provisions

A number of comments were directed specifically to the interim final rule's treatment of securities financing transactions.

Some commenters asked the OCC to clarify that ''repurchase agreement'' and ''reverse repurchase agreement'' as used in the definition of ''securities financing transaction'' are limited to transactions in securities. The lack of a definition for these specific terms could result in the impression that the *same* lending limits rule applicable to securities financing transactions in § 32.9 applies to other types of repurchase agreements and reverse repurchase agreements that do not involve securities. It does not.[36] However, to address this concern we have added a definition of ''security'' to the final rule, which cross-references to the definition of this term in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)). This definition clarifies that the transactions that are referred to as ''securities financing transactions'' are transactions that involve securities.

As indicated above, under the renamed Basic Method, the credit exposure arising from either a securities lending transaction or a securities borrowing transaction where the collateral is other securities will equal and remain fixed as the product of the higher of the two haircuts associated with the two securities, as determined in Table 2 of the final rule (formerly Table 3 of the interim final rule), and the higher of the two par values of the securities. Commenters questioned how the credit exposure would be calculated when more than one type of securities collateral is provided in these transactions. We agree that this circumstance should be addressed in the rule. Accordingly, we have amended the provisions in the rule regarding these non-cash collateral transactions, §§ 32.9(c)(1)(ii)(B)(*2*) and 32.9(c)(1)(ii)(D)(*2*), to provide that where more than one security is provided as collateral, the applicable haircut is the higher of the haircut associated with the security borrowed and the notional-weighted average of the haircuts associated with the securities provided as collateral.

Commenters also requested that the OCC clarify that the securities lending transactions secured by Federal and state (or political subdivision) obligations should receive the same treatment as ''cash collateralized'' transactions under the rule when calculating credit exposure. The OCC notes that the rule currently provides that credit exposures arising from securities financing transactions in which the securities financed are type I securities, as defined in 12 CFR 1.2(j), in the case of national banks (generally Federal and state securities), or securities listed in sections 5(c)(1)(C), (D), (E), and (F) of HOLA and general obligations of a state or subdivision as listed in section 5(c)(1)(H) of HOLA,[37] in the case of savings associations, are exempt from the lending limits. Therefore, no further change is needed.

6. Nonconforming Loans and Extensions of Credit

The interim final rule added a new paragraph (a)(3) to § 32.6 to provide that a credit exposure arising from a derivative transaction or securities financing transaction and determined by a model pursuant to § 32.9(b)(1)(i) or § 32.9(c)(1)(i), respectively, will not be deemed a violation of the lending limits statute or regulation and will be treated as nonconforming if the extension of credit was within the national bank's or savings association's legal lending limits at execution and is no longer in conformity because the exposure has increased since execution. One commenter requested that credit exposures that exceed the limits after inception of the derivative transaction should be treated as violations of the lending limits rule rather than as nonconforming, asserting that otherwise there would be an incentive to game the limits. We disagree with this comment.

[34] *See Comptroller's Handbook,* Concentration of Credit, December 2011, p. 13.

[35] Where a protection seller reduces its credit derivative exposure under § 32.9(b)(2)(ii) by purchasing protection, such reduction is not subject to the 10 percent limit.

[36] Instead, the other provisions of part 32 should be consulted. For example, extensions of credit secured by loans, whether effected by reverse repurchase agreements or otherwise, have always been within the scope of the general lending limits rules (including any applicable exceptions) and continue to be so after the enactment of the Dodd-Frank Act and promulgation of this rule.

[37] 12 U.S.C. 1464(c)(1)(C), (D), (E), (F), and (H).

Because of the nature of these transactions, it would not be possible for an institution to predict with any certainty the maximum exposure amount at the execution of a transaction. Furthermore, once a transaction becomes nonconforming, the rule requires the institution to use reasonable efforts to bring it into conformity with the lending limits unless doing so would be inconsistent with safety and soundness. The OCC enforces this provision accordingly.

Other commenters requested that derivative transactions calculated using a non-model method also should be treated as ''nonconforming'' if credit exposure arising from the derivative transaction increases after execution of the transaction. Without this change, institutions choosing a non-model method could face violations of the lending limits due to increases in credit exposure post-execution, while banks using internal models, in similar circumstances, would only be subject to an instance of nonconformance with the opportunity to correct the nonconformance before it is deemed a violation. We agree that the provision on nonconforming loans and extensions of credit should apply to transactions calculated using a non-model method. Although the OCC intended this treatment when issuing the interim final rule, the text of the rule did not accomplish it. We therefore have made this technical change by adding reference to the Current Exposure Method as well as the Basel Collateral Haircut Method, which we have added as an additional non-model method for securities financing transactions, to § 32.6(a)(3) of the final rule.[38]

7. Other Provisions

Unless specifically noted in the rule, all provisions of part 32 apply to credit exposures arising from a derivative transaction or a securities financing transaction, including the lending limits calculation rules of § 32.4 and the combination rules of § 32.5. Some commenters took issue with the application of the direct benefit test in § 32.5, which provides for the attribution and combination of loans and extensions of credit under certain circumstances, to derivative and securities financing transactions. They stated that the direct benefit test would be difficult to monitor in these transactions because of the complexity of these transactions and would likely require significant changes to market practices or revisions to standard documentation to implement. Instead they recommend that for these transactions the direct benefit test should be limited by its terms to situations of evasion. The OCC has carefully considered this comment. The direct benefit test is dependent on the facts of a particular case, and the OCC understands that the nature of derivative and securities financing transactions may raise factual issues not found in traditional loan transactions. However, the OCC has determined not to make changes to the long-established text of the direct benefit test at this time. The OCC will continue to apply the test sensibly to these transactions in light of their facts and circumstances and will review the direct benefit test once it has experience with its application to the exposures arising from derivative transactions and securities financing transactions.

III. Explanatory Table

The table below is provided as an aid in understanding the final rule. A prior version was included in the interim final rule and we have revised it to simplify it and to reflect the changes included in the final rule. It is not a substitute for the final rule itself.

Transaction type	Credit exposure	Calculation examples under Final Rule
	Derivatives	
Interest Rate Swap	Institutions that have an approved model can use the model to determine the attributable credit exposure. If no model, institutions must use either the Conversion Factor Matrix Method or the Current Exposure Method.	*Non-modeled bank:* Bank A without an approved model executes a $10 million, 5-year, interest rate swap. It receives a fixed rate and pays floating. The current mark-to-market is $0.
	Conversion Factor Matrix Method: Attributable credit exposure is locked-in or fixed at the PFE on day 1 by simply multiplying notional principal amount by a conversion factor provided in table. No requirement to calculate daily mark-to-market or re-calculate PFE.	*Under the Conversion Factor Matrix Method,* the PFE factor for this swap is 6%. Bank A ''locks-in'' attributable exposure of $600,000 ($10 million × 6%), the day-one PFE amount.
	Current Exposure Method: Attributable credit exposure is calculated by adding the current exposure (the greater of zero or the MTM value) and the PFE (calculated by multiplying the notional amount by a specified conversion factor taken from Table 4 of the Advanced Approaches Appendix of the capital rules, which varies based on the type and remaining maturity of the contract) of the derivative transaction.	*Under the Current Exposure Method (CEM),* exposure is equal to the current mark-to-market, plus an ''add-on'' determined by multiplying the notional amount times a factor appropriate for the swap's maturity. The factor for a 5-year swap is 0.5 percent. Bank A's attributable exposure would be $50,000 (0 + ($10 million × 0.5%)).
Credit Derivative	*To Counterparty*[39] Institutions that model derivatives exposures determine the attributable exposure based on the model, provided there is an effective margining arrangement. They add in to the amount calculated under the model any net credit exposure under an effective margining arrangement with respect to which the counterparty is not required to fully collaterize.	*Modeled bank with effective margining arrangement:* Bank A buys and sells credit protection from and to Bank B on Firms X, Y and Z. There is an effective margining arrangement between the banks with a collateralization threshold of $2,000,000. Banks A and B use their models to determine their counterparty credit exposures and add to the calculation $2,000,000.

[38] It is not necessary to include the Conversion Factor Matrix method for derivative transactions or the Basic Method for securities financing transactions in § 32.6(a)(3) because the measured credit exposure of a transaction for lending limits purposes remains fixed under these methods.

Transaction type	Credit exposure	Calculation examples under Final Rule
	Institutions that use the Conversion Factor Matrix Method or CEM for other derivative transactions, or that model but do not have an effective margining arrangement, calculate the attributable exposure as the sum of all net notional protection purchased amounts across reference entities. *To Reference Entities*[40] Institutions calculate the exposure as the net notional protection sold amount. The net protection sold amount is the gross notional protection sold on a reference entity less the amount of any eligible credit derivative purchased on that reference entity from an eligible protection provider.	*Non-modeled bank or bank without effective margining arrangement:* *Example 1* Bank A buys and sells credit protection from and to Bank B on Firms X, Y and Z. Bank A's net notional protection purchased from Bank B is $50 for Firm X and $100 for Firm Y. Bank A's net protection sold to Bank B is $35 for Firm Z. The lending limits exposure of Bank A to Bank B is a *counterparty credit exposure* of $150. (Bank A also has a lending limits exposure to Firm Z of $35 due to *reference entity exposure.)* *Example 2* Bank C sells credit protection on Firms 1 and 2. Bank C's gross notional protection sold is $100 for Firm 1 and $200 for Firm 2. Bank C also purchases $25 of protection on Firm 2 from an eligible protection provider (EPP) via an eligible credit derivative. The lending limits exposure of Bank C to Firm 1 is $100 and to Firm 2 is $175. If Bank C models its exposures and has an effective margining agreement with the EPP, its counterparty exposure to the EPP for this transaction, as well as all other derivatives transactions in the same netting set, is calculated by the model. If Bank C has no effective margining agreement with the EPP or does not model, its counterparty exposure to the EPP is $25. *Example 3* Bank D funds a loan to Borrower Inc. in the amount of $100,000. Bank D purchases protection on Borrower Inc. in the amount of $40,000 from an eligible protection provider (EPP) via a single-name credit derivative that meets the requirements of § 32.2(m)(1) through (7). The amount of $40,000 does not exceed 10% of Bank D's capital and surplus. Bank D's counterparty exposure to Borrower Inc. is $60,000 for lending limits purposes ($100,000 − $40,000). Bank D, a bank whose use of models for legal lending limits purposes has been approved by the appropriate Federal banking agency, has an effective margining agreement with the EPP and so will model the counterparty exposure to the EPP on this credit derivative transaction as part of a portfolio of derivative transactions with the EPP.
Securities Financing		
Reverse Repurchase Agreement (asset repo)	Institutions that have an approved model can use the model to determine the attributable credit exposure. Banks that do not have an approved model can determine attributable credit exposure using either the Basic Method or the Basel Collateral Haircut Method.	*Using the Basic Method:* Bank executes a reverse repo in which it lends $100 and receives as collateral 7-year Treasury securities worth $102 that have a haircut, based on Table 2 of the final rule, of 4%. Attributable exposure is $4 ($100 × 4%).

Transaction type	Credit exposure	Calculation examples under Final Rule
	Basic Method: Attributable credit exposure for lending limit purposes is the product of the haircut associated with the collateral received and the amount of cash transferred. *Basel Collateral Haircut Method:* Attributable credit exposure for lending limit purposes is determined pursuant to Sections 32(b)(2)(i) and (ii) of the Advanced Approaches Appendix of the capital rules.	*Using the Basel Collateral Haircut Method:* Bank executes a reverse repo in which it lends $100 and receives as collateral 7-year Treasury securities worth $102 that have a haircut of 4%, based on Table 3 of Section 32(b)(2) of the Advanced Approaches Appendix of the capital rules. Attributable exposure is ($100 − $102) + ($100 × 0%) + ($102 × 4%) = $2.08.
Repurchase Agreement	Institutions that have an approved model can use the model to determine the attributable credit exposure. Banks that do not have an approved model can determine attributable credit exposure using either the Basic Method or the Basel Collateral Haircut Method. *Basic Method:* Attributable credit exposure for lending limit purposes is the difference between the market value of securities transferred less cash received (*i.e.,* the net current credit exposure). *Basel Collateral Haircut Method:* Attributable credit exposure for lending limit purposes is determined pursuant to Sections 32(b)(2)(i) and (ii) of the Advanced Approaches Appendix of the capital rules.	*Using the Basic Method:* Bank executes a repo in which it borrows $100, pledging 7-year Treasury securities worth $102. Attributable exposure is $2, the amount of net current credit exposure. *Using the Basel Collateral Haircut Method:* Bank executes a repo in which it borrows $100, pledging 7-year Treasury securities worth $102 that have a haircut of 4%, based on Table 3 of Section 32(b)(2) of the Advanced Approaches Appendix of the capital rules. Attributable exposure is ($102 − $100) + ($100 × 0%) + ($102 × 4%) = $6.08.
Securities Borrowing Transaction	Institutions that have an approved model can use the model to determine the attributable credit exposure. Banks that do not have an approved model can determine attributable credit exposure using either the Basic Method or the Basel Collateral Haircut Method. *Basic Method:* If collateral is cash, treat the same as reverse repo: Attributable credit exposure for lending purposes is the product of the haircut associated with the collateral received and the amount of cash transferred. *If collateral is securities:* Attributable credit exposure for lending limit purposes is the product of the higher of the two haircuts associated with the two securities and the higher of the two par values of the securities. *Basel Collateral Haircut Method:* Attributable credit exposure for lending limit purposes is determined pursuant to Sections 32(b)(2)(i) and (ii) of the Advanced Approaches Appendix of the capital rules.	*Using the Basic Method, cash as collateral:* Bank borrows $100 par value 7-year Treasury securities that have a fair value of $102. The bank pledges $100 in cash. The haircut associated with the security is 4%, based on Table 2 of the final rule. The attributable exposure is $4 ($100 × 4%). *Using the Basic Method, securities as collateral:* Bank borrows $100 par value 7-year Treasury securities (with fair value $101) and pledges 5-year bank eligible corporate bonds with a par value of $100 and fair value of $102. The haircut on the borrowed security is 4% and the haircut on the pledged security is 6%, based on Table 2 of the final rule. The attributable exposure is $6 ($100 × 6%), based upon the higher of the two security haircuts and the higher of the two par values (here the par values were the same). *Using the Basel Collateral Haircut Method, cash as collateral:* Bank borrows $100 par value 7-year Treasury securities that have a fair value of $102. The bank pledges $100 in cash. The haircut associated with the security is 4%, based on Table 3 of Section 32(b)(2) of the Advanced Approaches Appendix of the capital rules. The attributable exposure is ($100 − $102) + ($100 × 0%) + ($102 × 4%) = $2.08. *Using the Basel Collateral Haircut Method, securities as collateral:* Bank borrows $100 par value 7-year Treasury securities (with fair value $101) and pledges 5-year bank eligible corporate bonds with a par value of $100 and a fair value of the $102. The haircut on the borrowed security is 4% and the haircut on the pledged security is 6%, based on Table 3 of Section 32(b)(2) of the Advanced Approaches Appendix of the capital rules. The attributable exposure is: ($102 − $101) + ($102 × 6%) + ($101 × 4%) = $11.16.

Transaction type	Credit exposure	Calculation examples under Final Rule
Securities Lending Transaction	Institutions that have an approved model can use the model to determine the attributable credit exposure. Banks that do not have an approved model can determine attributable credit exposure using either the Basic Method or the Basel Collateral Haircut Method. *Basic Method:* If collateral received is cash, treat the same as a repo: The attributable credit exposure for lending limit purposes is the net current credit exposure. If the collateral received is other securities: The attributable credit exposure for lending limit purposes is the product of the higher of the two haircuts associated with the two securities and the higher of the two par values of the securities. *Basel Collateral Haircut Method:* Attributable credit exposure for lending limit purposes is determined pursuant to Sections 32(b)(2)(i) and (ii) of the Advanced Approaches Appendix of the capital rules.	*Using the Basic Method, cash as collateral:* Bank lends $100 par value 7-year Treasury securities with fair value of $102 and receives $100 in cash collateral. Attributable exposure is $2, the net current credit exposure. *Using the Basic Method, securities as collateral:* Bank lends $100 par value 7-year Treasury securities with fair value of $101 and receives as collateral a 5-year bank eligible corporate bond with a $100 par value and $102 fair value. The haircuts on the loaned and borrowed securities are 4% and 6%, respectively, based on Table 2 of the final rule. Attributable exposure is $6 ($100 × 6%), based upon the higher of the two security haircuts and the higher of the two par values (here the par values were the same). *Using the Basel Collateral Haircut Method cash as collateral:* Bank lends $100 par value 7-year Treasury securities with fair value of $102 and receives $100 in cash collateral. The haircut on the security is 4%, based on Table 3 of Section 32(b)(2) of the Advanced Approaches Appendix of the capital rules. Attributable exposure is ($102 − $100) + ($100 × 0%) + ($102 × 4%) = $6.08. *Using the Basel Collateral Haircut Method, securities as collateral:* Bank lends a $100 par value 7-year Treasury security with a fair value of $101 and receives a 5-year bank eligible corporate bond as collateral, with a $100 par value and $102 fair value. The haircuts on the loaned and borrowed securities are 4% and 6%, respectively, based on Table 3 of Section 32(b)(2) of the Advanced Approaches Appendix of the capital rules. Attributable exposure is ($101 − $102) + ($102 × 6%) + ($101 × 4%) = $9.16.

[39] The protection buyer is exposed to the counterparty risk of the seller; the buyer expects payment from the seller if there is a default. Technically, the seller also bears a degree of counterparty credit risk; this risk is not being captured by the lending limits.

[40] Upon default of the reference entity, the protection seller must make a payment to the buyer.

IV. Effective and Compliance Dates

The Administrative Procedure Act (APA) requires that a substantive rule must be published not less than 30 days before its effective date, unless, among other things, the rule grants or recognizes an exemption or relieves a restriction.[41] Current 12 CFR 32.1(d) provides a temporary exception period for the application of the section 610-related provisions of part 32 that expires on July 1, 2013. This final rule amends § 32.1(d) to extend this temporary exception period through October 1, 2013. Because this amendment postpones the application of the section 610-related provisions to national banks and savings associations, thereby relieving banks and savings associations from compliance with the section 610-related provisions on July 1, 2013, the amendment may take effect less than 30 days from publication. Because this extension must take effect before July 1, 2013 to prevent the current exception period from expiring, we have made the amendment to 12 CFR 32.1(d) contained in this final rule effective on June 25, 2013.

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4802) (RCDRIA) requires that regulations imposing additional reporting, disclosure, or other requirements on insured depository institutions take effect on the first day of the calendar quarter after publication of the final rule, unless, among other things, the agency determines for good cause that the regulations should become effective before such time. Because the amendment to extend the temporary compliance period does not impose any additional reporting, disclosure, or other requirements, the OCC finds good cause to dispense with the delayed effective date otherwise required by RCDRIA for this provision.

All other amendments made by this final rule will take effect on the first day of the calendar quarter after publication of the final rule, October 1, 2013.

V. Regulatory Analysis

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA),[42] 5 U.S.C. 603, an agency must prepare a regulatory flexibility analysis for all proposed and final rules that describe the impact of the rule on small entities, unless the head of an agency certifies that the rule will not have ''a significant economic impact on a substantial number of small entities.'' However, the RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b).[43] Because the OCC

[41] 5 U.S.C. 553(d)(1).

[42] Public Law 96–354, Sept. 19, 1980.

[43] 5 U.S.C. 603(a), 604(a).

did not publish a notice of proposed rulemaking pursuant to 5 U.S.C. 553(b)(B),[44] the RFA does not apply to this final rule.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4 (2 U.S.C. 1532) (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in 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 in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC has determined that there is no Federal mandate imposed by this rulemaking 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 in any one year. Accordingly, final rule is not subject to section 202 of the Unfunded Mandates Act.

Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), the OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. Part 32 contains information collection requirements under the PRA, which have been previously approved by OMB under OMB Control No. 1557–0221. The OCC is seeking renewal of OMB PRA approval separately from this rulemaking for these requirements. The OCC now is seeking OMB approval of the model approval process contained in § 32.9 of this final rule.

In response to comments received, we have clarified the model approval process in § 32.9(b)(1)(i)(C). The use of a model (other than the model approved for purposes of the Advanced Measurement Approach in the capital rules) must be approved by the OCC specifically for part 32 purposes and must be approved in writing. If a national bank or Federal savings association proposes to use an internal model that has been approved by the OCC for purposes of the Advanced Measurement Approach, the institution must provide prior written notification to the OCC prior to use of the model for lending limits purposes. OCC approval is also required before substantive revisions are made to a model that is used for lending limits purposes.

Estimated Number of Respondents: 238.

Estimated Burden per Respondent: 1 hour per model; 2 models per respondent.

Estimated Total Burden: 476 hours.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the information collection burden, 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.

Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Suite 3E–218, Mail Stop 9W–11, Attention: 1557–NEW, 400 7th Street SW., Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–NEW, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira submission@omb.eop.gov.*

List of Subjects

12 CFR Part 32

National banks, Reporting and recordkeeping requirements.

12 CFR Part 159

Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 160

Consumer protection, Investments, Mortgages, Reporting and recordkeeping requirements, Savings associations, Securities.

For the reasons set forth in the preamble, the interim final rule amending chapter I of title 12 of the Code of Federal Regulations that was published at 77 FR 37265 on June 21, 2012 is adopted as final with the following amendments.

PART 32—LENDING LIMITS

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

Authority: 12 U.S.C. 1 *et seq.,* 84, 93a, 1462a, 1463, 1464(u), and 5412(b)(2)(B).

■ 2. Section 32.1 is amended by:

■ a. Revising paragraphs (a) through (c); and

■ b. Amending paragraph (d) by removing ''July 1, 2013'' and adding in its place ''October 1, 2013''.

The revision reads as follows:

§ 32.1 Authority, purpose and scope.

(a) *Authority.* This part is issued pursuant to 12 U.S.C. 1 *et seq.,* 12 U.S.C. 84, 93a, 1462a, 1463, 1464(u), and 5412(b)(2)(B).

(b) *Purpose.* The purpose of this part is to protect the safety and soundness of national banks and savings associations by preventing excessive loans to one person, or to related persons that are financially dependent, and to promote diversification of loans and equitable access to banking services.

(c) *Scope.* (1) Except as provided by paragraphs (c) and (d) of this section, this part applies to all loans and extensions of credit made by national banks and their domestic operating subsidiaries and to all loans and extensions of credit made by savings associations, their operating subsidiaries, and their service

[44] Section 553(b)(B) provides that general notice and an opportunity for public comment are not required prior to the issuance of a final rule when an agency, for good cause, finds that ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.''

corporations that are consolidated under Generally Accepted Accounting Principles (GAAP). For purposes of this part, the term ''savings association'' includes Federal savings associations and state savings associations, as those terms are defined in 12 U.S.C. 1813(b).

(2) This part does not apply to loans or extensions of credit made to the bank's or savings association's:

(i) Affiliates, as that term is defined in 12 U.S.C. 371c(b)(1) and (e), as implemented by 12 CFR 223.2(a) (Regulation W);

(ii) Operating subsidiaries;

(iii) Edge Act or Agreement Corporation subsidiaries; or

(iv) Any other subsidiary consolidated with the bank or savings association under GAAP.

(3) The lending limits in this part are separate and independent from the investment limits prescribed by 12 U.S.C. 24 (Seventh) or 12 U.S.C. 1464(c), as applicable, and 12 CFR Part 1 and 12 CFR 160.30, and a national bank or savings association may make loans or extensions of credit to one borrower up to the full amount permitted by this part and also hold eligible securities of the same obligor up to the full amount permitted under 12 U.S.C. 24 (Seventh) or 12 U.S.C. 1464(c), as applicable, and 12 CFR Part 1 and 12 CFR 160.30.

(4) Loans and extensions of credit to executive officers, directors and principal shareholders of national banks, savings associations, and their related interests are subject to limits prescribed by 12 U.S.C. 375a and 375b in addition to the lending limits established by 12 U.S.C. 84 or 12 U.S.C. 1464(u) as applicable, and this part.

(5) In addition to the foregoing, loans and extensions of credit must be consistent with safe and sound banking practices.

* * * * *

■ 3. Section 32.2 is amended by:

■ a. Revising paragraph (l);

■ b. In paragraph (m)(3)(ii), adding after ''insolvency,'' the phrase ''restructuring (for obligors not subject to bankruptcy or insolvency),'' and adding a comma after the phrase ''as they become due'';

■ c. Removing the ''and'' at the end of paragraph (q)(2)(v),

■ d. Removing the period at the end of paragraph (q)(2)(vi)(A)(*3*) and adding in its place ''; and'';

■ e. Adding new paragraph (q)(2)(vii); and

■ f. Redesignating paragraphs (bb), (cc) and (dd) as paragraphs (cc), (dd) and (ee), respectively, and adding new paragraph (bb).

The additions and revisions read as follows:

§ 32.2 Definitions.

* * * * *

(l) *Effective margining arrangement* means a master legal agreement governing derivative transactions between a bank or savings association and a counterparty that requires the counterparty to post, on a daily basis, variation margin to fully collateralize that amount of the bank's or savings association's net credit exposure to the counterparty that exceeds $25 million created by the derivative transactions covered by the agreement.

* * * * *

(q) * * *

(2) * * *

(vii) That portion of one or more loans or extensions of credit, not to exceed 10 percent of capital and surplus, with respect to which the national bank or savings association has purchased protection in the form of a single-name credit derivative that meets the requirements of § 32.2(m)(1) through (7) from an eligible protection provider if the reference obligor is the same legal entity as the borrower in the loan or extension of credit and the maturity of the protection purchased equals or exceeds the maturity of the loan or extension of credit.

* * * * *

(bb) *Security* has the same meaning as in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

* * * * *

§ 32.6 [Amended]

■ 4. Section 32.6(a)(3) is amended by:

■ a. Removing the word ''Internal''; and

■ b. Adding ''the Current Exposure Method specified in § 32.9(b)(1)(iii), or the Basel Collateral Haircut Method specified in § 32.9(c)(1)(iii)'' after ''Model Method specified in § 32.9(b)(1)(i) or § 32.9(c)(1)(i)''.

■ 5. Section 32.9 is amended by:

■ a. In paragraph (b)(1):

■ i. In the first sentence, removing the phrase ''paragraphs (b)(2) and (b)(3) of this section'' and adding in its place the phrase ''paragraphs (b)(2), (b)(3) and (b)(4) of this section''; and

■ ii. In the second sentence, removing the phrase ''Subject to paragraph (b)(3)'' and adding in its place ''Subject to paragraph (b)(4)'';

■ b. Revising the heading in paragraph (b)(1)(i);

■ c. Revising paragraph (b)(1)(i)(C);

■ d. Revising paragraph (b)(1)(ii);

■ e. Revising Table 1 in paragraph (b)(1)(ii);

■ f. Revising paragraph (b)(1)(iii);

■ g. Removing Table 2;

■ h. Revising paragraph (b)(2);

■ i. Redesignating paragraph (b)(3) as paragraph (b)(4), and revising it;

■ j. Adding a new paragraph (b)(3);

■ k Revising paragraph (c)(1)(i);

■ l. Revising the heading in paragraph (c)(1)(ii);

■ m. Adding a sentence at the end of paragraphs (c)(1)(ii)(B)(*2*) and (c)(1)(ii)(D)(*2*);

■ n. In paragraph (c)(1)(ii)(B) through (D), removing the phrase ''Table 3'' each time it appears and adding in its place the phrase ''Table 2'';

■ o. Redesignating Table 3 as Table 2, and revising newly redesignated Table 2;

■ p. Adding a new paragraph (c)(1)(iii); and

■ q. Revising paragraph (c)(2).

The revisions and additions read as follows:

§ 32.9 Credit exposure arising from derivative and securities financing transactions.

* * * * *

(b) * * *

(1) * * *

(i) *Model Method.* * * *

(C) *Calculation of potential future credit exposure.* (*1*) A bank or savings association shall calculate its potential future credit exposure by using either:

(*i*) An internal model the use of which has been approved in writing for purposes of 12 CFR Part 3, Appendix C, Section 32(d), 12 CFR Part 167, Appendix C, Section 32(d), or 12 CFR Part 390, subpart Z, Appendix A, Section 32(d), as appropriate, provided that the bank or savings association provides prior written notice to the appropriate Federal banking agency of its use for purposes of this section; or

(*ii*) Any other appropriate model the use of which has been approved in writing for purposes of this section by the appropriate Federal banking agency.

(*2*) Any substantive revisions to a model made after the bank or savings association has provided notice of the use of the model to the appropriate Federal banking agency pursuant to paragraph (b)(1)(i)(C)(*1*)(*i*) of this section or after the appropriate Federal banking agency has approved the use of the model pursuant to paragraph (b)(1)(i)(C)(*1*)(*ii*) of this section must be approved by the agency before a bank or savings association may use the revised model for purposes of this part.

* * * * *

(ii) *Conversion Factor Matrix Method.* The credit exposure arising from a derivative transaction under the Conversion Factor Matrix Method shall equal and remain fixed at the potential future credit exposure of the derivative transaction which shall equal the

product of the notional amount of the derivative transaction and a fixed multiplicative factor determined by reference to Table 1 of this section.

TABLE 1—CONVERSION FACTOR MATRIX FOR CALCULATING POTENTIAL FUTURE CREDIT EXPOSURE [1]

Original maturity [2]	Interest rate	Foreign exchange rate and gold	Equity	Other [3] (includes commodities and precious metals except gold)
1 year or less	.015	.015	.20	.06
Over 1 to 3 years	.03	.03	.20	.18
Over 3 to 5 years	.06	.06	.20	.30
Over 5 to 10 years	.12	.12	.20	.60
Over ten years	.30	.30	.20	1.0

[1] For an OTC derivative contract with multiple exchanges of principal, the conversion factor is multiplied by the number of remaining payments in the derivative contract.

[2] For an OTC derivative contract that is structured such that on specified dates any outstanding exposure is settled and the terms are reset so that the market value of the contract is zero, the remaining maturity equals the time until the next reset date. For an interest rate derivative contract with a remaining maturity of greater than one year that meets these criteria, the minimum conversion factor is 0.005.

[3] Transactions not explicitly covered by any other column in the Table are to be treated as "Other."

(iii) *Current Exposure Method.* The credit exposure arising from a derivative transaction (other than a credit derivative transaction) under the Current Exposure Method shall be calculated pursuant to 12 CFR Part 3, Appendix C, Sections 32(c)(5), (6) and (7); 12 CFR Part 167, Appendix C, Sections 32(c)(5), (6), and (7); or 12 CFR Part 390, subpart Z, Appendix A, Sections 32(c)(5), (6) and (7), as appropriate.

(2) *Credit Derivatives.* (i) *Counterparty exposure.* (A) *In general.* Notwithstanding paragraph (b)(1) of this section and subject to paragraph (b)(2)(i)(B) of this section, a national bank or savings association that uses the Conversion Factor Matrix Method or the Current Exposure Method, or that uses the Model Method without entering an effective margining arrangement as defined in § 32.2(l), shall calculate the counterparty credit exposure arising from credit derivatives entered by the bank or savings association by adding the net notional value of all protection purchased from the counterparty on each reference entity.

(B) *Special rule for certain effective margining arrangements.* A bank or savings association must add the EMA threshold amount to the counterparty credit exposure arising from credit derivatives calculated under the Model Method. The *EMA threshold* is the amount under an effective margining arrangement with respect to which the counterparty is not required to post variation margin to fully collateralize the amount of the bank's or savings association's net credit exposure to the counterparty.

(ii) *Reference entity exposure.* A national bank or savings association shall calculate the credit exposure to a reference entity arising from credit derivatives entered into by the bank or savings association by adding the net notional value of all protection sold on the reference entity. A bank or savings association may reduce its exposure to a reference entity by the amount of any eligible credit derivative purchased on that reference entity from an eligible protection provider.

(3) *Special rule for central counterparties.* (i) In addition to amounts calculated under § 32.9(b)(1) and (2), the measure of counterparty exposure to a central counterparty shall also include the sum of the initial margin posted by the bank or savings association, plus any contributions made by it to a guaranty fund at the time such contribution is made.

(ii) Paragraph (b)(3)(i) of this section does not apply to a national bank or saving association that uses an internal model pursuant to paragraph (b)(1)(i) of this section if such model reflects the initial margin and any contributions to a guaranty fund.

(4) *Mandatory or alternative method.* The appropriate Federal banking agency may in its discretion require or permit a national bank or savings association to use a specific method or methods set forth in paragraph (b)(1) of this section to calculate the credit exposure arising from all derivative transactions or any specific, or category of, derivative transactions if it finds, in its discretion, that such method is consistent with the safety and soundness of the bank or savings association.

(c) * * * (1) * * *

(i) *Model Method.* (A) A national bank or savings association may calculate the credit exposure of a securities financing transaction by using either:

(*1*) An internal model the use of which has been approved in writing by the appropriate Federal banking agency for purposes of 12 CFR Part 3, Appendix C, Section 32(b); 12 CFR Part 167, Appendix C, Section 32(b); or 12 CFR Part 390, subpart Z, Appendix A, Section 32(b), as appropriate, provided the bank or savings association provides prior written notice to the appropriate Federal banking agency of its use for purposes of this section; or

(*2*) Any other appropriate model the use of which has been approved in writing for purposes of this section by the appropriate Federal banking agency.

(B) Any substantive revisions to a model made after the bank or savings association has provided notice of the use of the model to the appropriate Federal banking agency pursuant to paragraph (c)(1)(i)(A)(*1*) of this section or after the appropriate Federal banking agency has approved the use of the model pursuant to paragraph (c)(1)(i)(A)(*2*) of this section must be approved by the agency before a bank or savings association may use the revised model for purposes of part 32.

(ii) *Basic Method.* * * *

(B) * * *

(*2*) * * * Where more than one security is provided as collateral, the applicable haircut is the higher of the haircut associated with the security lent and the notional-weighted average of the haircuts associated with the securities provided as collateral.

* * * * *

(D) * * *

(*2*) * * * Where more than one security is provided as collateral, the applicable haircut is the higher of the haircut associated with the security borrowed and the notional-weighted average of the haircuts associated with the securities provided as collateral.

TABLE 2—COLLATERAL HAIRCUTS

SOVEREIGN ENTITIES		
	Residual maturity	Haircut without currency mismatch [1]
OECD Country Risk Classification [2] 0–1	< = 1 year	0.005.
	>1 year, <= 5 years	0.02.
	>5 years	0.04.
OECD Country Risk Classification 2–3	<= 1 year	0.01.
	>1 year, <= 5 years	0.03.
	> 5 years	0.06.
CORPORATE AND MUNICIPAL BONDS THAT ARE BANK-ELIGIBLE INVESTMENTS		
	Residual maturity for debt securities	Haircut without currency mismatch
All	<=1 year	0.02.
All	>1 year, <=5 years	0.06.
All	>5 years	0.12.
OTHER ELIGIBLE COLLATERAL		
Main index [3] equities (including convertible bonds)		0.15.
Other publicly-traded equities (including convertible bonds)		0.25.
Mutual funds		Highest haircut applicable to any security in which the fund can invest.
Cash collateral held		0.

[1] In cases where the currency denomination of the collateral differs from the currency denomination of the credit transaction, an additional 8 percent haircut will apply.

[2] OECD Country Risk Classification means the country risk classification as defined in Article 25 of the OECD's February 2011 Arrangement on Officially Supported Export Credits Arrangement.

[3] Main index means the Standard & Poor's 500 Index, the FTSE All-World Index, and any other index for which the covered company can demonstrate to the satisfaction of the Federal Reserve that the equities represented in the index have comparable liquidity, depth of market, and size of bid-ask spreads as equities in the Standard & Poor's 500 Index and FTSE All-World Index.

(iii) *Basel Collateral Haircut Method.* A national bank or savings association may calculate the credit exposure of a securities financing transaction pursuant to 12 CFR Part 3, Appendix C, Sections 32(b)(2)(i) and (ii); 12 CFR Part 167, Appendix C, Sections 32(b)(2)(i) and (ii); or 12 CFR Part 390, subpart Z, Appendix A, Sections 32(b)(2)(i) and (ii), as appropriate.

(2) *Mandatory or alternative method.* The appropriate Federal banking agency may in its discretion require or permit a national bank or savings association to use a specific method or methods set forth in paragraph (c)(1) of this section to calculate the credit exposure arising from all securities financing transactions or any specific, or category of, securities financing transactions if the appropriate Federal banking agency finds, in its discretion, that such method is consistent with the safety and soundness of the bank or savings association.

PART 159—SUBORDINATE ORGANIZATIONS

■ 6. The authority citation for part 159 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1828, 5412(b)(2)(B).

■ 7. Section 159.3 is amended by revising paragraph (k)(2) to read as follows:

§ 159.3 What are the characteristics of, and what requirements apply to, subordinate organizations of Federal savings associations?

* * * * *

(k) * * *

(2) The LTOB regulation does not apply to loans from you to your GAAP-consolidated service corporation or from your GAAP-consolidated service corporation to you. However, part 32 imposes restrictions on the amount of loans you may make to non-consolidated service corporations. Loans made by a GAAP-consolidated service corporation are aggregated with your loans for LTOB purposes.

* * * * *

■ 8. Section 159.5 is amended by revising paragraphs (b) and (c) to read as follows:

§ 159.5 How much may a Federal savings association invest in service corporations or lower-tier entities?

* * * * *

(b) In addition to the amounts you may invest under paragraph (a) of this section, and to the extent that you have authority under other provisions of section 5(c) of the HOLA and part 160 of this chapter, and available capacity within any applicable investment limits, you may make loans to any non-consolidated subsidiary, subject to the lending limits in part 32 of this chapter.

(c) For purposes of this section, the term ''obligations'' includes all loans and other debt instruments (except accounts payable incurred in the ordinary course of business and paid within 60 days) and all guarantees or take-out commitments of such loans or debt instruments.

Dated: June 19, 2013.

Thomas J. Curry,

Comptroller of the Currency.

[FR Doc. 2013–15174 Filed 6–24–13; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 741

RIN 3133–AEOO

Loan Participations; Purchase, Sale and Pledge of Eligible Obligations; Purchase of Assets and Assumption of Liabilities

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: NCUA amends its loan participation rule, eligible obligations rule, and requirements for insurance rule to clarify how the loan participation rule is to be applied and how it relates to other rules. The amendments reorganize the loan participation rule and focus on the purchase side of loan participation transactions. The amendments make it easier to understand NCUA's regulatory requirements for loan participations. The amendments also expand loan participation requirements to federally insured, state-chartered credit unions (FISCUs).

DATES: This rule is effective July 25, 2013.

FOR FURTHER INFORMATION CONTACT: Pamela Yu, Staff Attorney, Office of General Counsel at (703) 518–6540; or Matthew J. Biliouris, Director of Supervision, Office of Examination and Insurance at (703) 518–6360.

SUPPLEMENTARY INFORMATION

I. Background
II. Summary of Public Comments
III. Section-by-Section Analysis of the Final Rule
IV. Regulatory Procedures

I. Background

A. Why is NCUA adopting this rule?

Loan participations strengthen the credit union industry by providing a useful way for credit unions to diversify their loan portfolios, improve earnings, generate loan growth, manage their balance sheets, and comply with regulatory requirements. Credit unions also use liquidity obtained through the sale of loan participations to increase the availability of credit to small businesses and consumers.

Nevertheless, the NCUA Board (Board) believes that loan participations also pose an inherent risk to the National Credit Union Share Insurance Fund (NCUSIF) due to the interconnectedness between participants. For example, large volumes of participated loans may be tied to a single originator, borrower, or industry or they may be serviced by a single entity. If any one of those entities experiences a financial or other problem, the effects of such concentration could impact multiple credit unions. Additionally, because both federal credit unions (FCUs) and federally insured, state-chartered credit unions (FISCUs) actively engage in loan participations, there is potential risk to the NCUSIF. Accordingly, it is important to the safety and soundness of the NCUSIF that all federally insured credit unions (FICUs) adhere to appropriate standards when transacting loan participations.

Finally, it has come to NCUA's attention during examinations and other supervisory contacts with FICUs that many credit union officials find the loan participation rule unclear as to whom it applies, and what transactions it covers. This rule is intended to address this concern. For these reasons, the Board is issuing this final rule to amend §§ 701.22, 701.23, and 741.8.

B. What changes were included in the proposed rule?

In December 2011, the Board issued a proposed rule to amend the loan participation rule.[1] The proposal reorganized the rule to make it easier to read and understand. It also changed the rule's focus to address the requirements for a credit union purchasing a loan participation. In addition, to ensure that loan participation transactions are conducted in a safe and sound manner, the proposed rule prescribed certain concentration limits on credit unions and encouraged credit unions to establish others of their own. It also required that a loan participation agreement include specific provisions to assist a purchasing credit union in conducting its due diligence. The Board proposed these changes to better detail NCUA's regulatory expectations regarding key aspects of a loan participation purchase, including: (1) The credit union's loan participation policy; (2) the loan participation agreement; and (3) ongoing monitoring of the loan participation.

II. Summary of Public Comments

The public comment period for the proposed rule ended on February 21, 2012. NCUA received 215 comments on the proposed rule: 48 from FCUs; 53 from state-chartered credit unions; 5 from trade associations (1 representing community development credit unions; 2 representing credit unions; 1 representing state credit union supervisors; and 1 representing credit union service organizations (CUSOs)); 23 from state credit union leagues; 11 from CUSOs or third party vendors; 73 from individuals or credit union volunteers (including 67 identical letters); and 1 from a law firm.

A majority of the comments on the proposal expressed opposition to, or raised concerns about, one or more aspects of the proposal. A number of commenters, however, supported at least one specific aspect of the proposal or expressed general support for its overall intent and key principles.

A. What were the general comments supporting the proposed rule?

A significant number of commenters supported applying the loan participation rule's provisions to FISCUs. These commenters maintained that the data quoted in the proposed rule's preamble demonstrates that applying the rule to FISCUs is appropriate. Some commenters also suggested that subjecting FCUs and FISCUs to the same requirements would promote the loan participation market and increase participation activity.

Commenters expressed general support for the loan originator retention requirement of 10 percent of the loan amount as required by the Federal Credit Union Act (FCU Act) for FCUs, and the single borrower concentration limit of 15 percent of a credit union's net worth.

Additionally, some commenters supported the proposed provision requiring a credit union to use underwriting standards for purchasing loan participations similar to those the credit union uses when it originates a loan. As discussed below, however, the majority of commenters opposed this provision.

B. What were the general comments opposing the proposed rule?

There were two proposed provisions that generated the greatest degree of concern for the majority of commenters. They were: (1) The single originator concentration limit of 25 percent of net worth; and (2) the requirement that a FICU establish underwriting standards for loan participations which, at a minimum, meet the same underwriting standards the FICU uses when it originates its own loan.

More generally, commenters suggested that the proposal would significantly limit a FICU's ability to sell and purchase loan participations, while providing only limited safety and soundness benefits. They argued that the rule should allow greater flexibility, particularly because of the importance of loan participations in helping credit unions to diversify their portfolios, improve earnings, manage and generate liquidity, manage asset growth, maintain an adequate capital ratio, diversify lending risk, and address loan concentration issues.

Commenters also expressed concern that the rule would impose undue regulatory burdens on credit unions, with a disproportionately adverse impact on smaller credit unions. They asserted that the proposal was

[1] 76 FR 79548 (Dec. 22, 2011).

misguided in prescribing a one-size-fits-all approach, without considering the asset size, level of experience, or risk profile of each individual credit union. Instead, commenters suggested that the rule should focus on identified problem areas or on participations where the risk profile for the underlying loans is higher, such as participations in member business loans (MBLs) and commercial real estate loans.

In addition, commenters maintained that loan participations do not represent a systemic risk to the NCUSIF and suggested the proposal may actually increase the overall risk to the NCUSIF. Commenters argued that limiting the ability of credit unions to mitigate risk through diversification could increase, rather than reduce, risk exposures.

Several commenters also expressed concern that the proposal would undermine the dual chartering system. These commenters suggested that state law and regulation should continue to govern loan participations for FISCUs.

NCUA has carefully reviewed and considered all the comments it received in response to the proposal. Acknowledging the substantial concerns raised by commenters, the Board has made adjustments to the final rule. Most notably, the final rule establishes a higher, more flexible single originator concentration limit. It also permits a FICU to purchase a participation in a loan even if it does not originate that kind of loan. A section-by-section analysis of the final rule and a discussion of the pertinent public comments follows.

III. Section-by-Section Analysis of the Final Rule

A. § 701.22—Introductory Text

The introductory text clarifies the scope of the rule and helps distinguish a loan participation under § 701.22 from an eligible obligation under § 701.23. Further, it clarifies that the rule applies to a natural person FICU's purchase of a loan participation where the borrower is *not* a member of that credit union. Generally, an FCU's purchase, in whole or in part, of its member's loan is covered by NCUA's eligible obligations rule at § 701.23.[2] Additionally, by a cross-reference to Part 741 of NCUA's regulations, the rule also is made applicable to natural person FISCUs. The Board notes that corporate credit unions are subject to the loan participation requirements set forth in Part 704 and, therefore, are not subject to § 701.22 of NCUA's regulations.

Some commenters expressed continued confusion regarding the scope of § 701.22 and § 701.23 of NCUA's regulations. The final rule clarifies the interplay between § 701.22 and § 701.23, but the Board acknowledges these regulations are complex so additional modifications have been made to further clarify the introductory text to the final rule.

B. § 701.22(a)—Definitions

The final rule revises the definitions for ''originating lender'' and ''participation loan'' to clarify that the originating lender must participate in the loan throughout the life of the loan. It also adds a new definition of ''associated borrower.'' The definitions of ''credit union,'' ''credit union organization,'' ''eligible organization,'' and ''financial organization'' were not part of the proposed amendments and are generally unmodified from the existing rule. For consistency with the formatting conventions recommended by the **Federal Register,** however, the final rule amends the paragraph's format by listing all definitions alphabetically and removing the numeric designations. A brief discussion of each definition, and the public comments pertinent to each, follows.

1. Associated Borrower

The proposed rule added a new definition of the term ''associated borrower.'' Some commenters stated that the proposed definition is too broad. They also expressed concerns that the definition is inconsistent with the MBL rule's definition of ''associated member.''[3] The Board notes the ''associated borrower'' definition is more specific than, but not an expansion of, the definition of ''associated member'' under Part 723. The definition tracks closely with the MBL rule, but it more clearly defines the types of relationships considered to be an associated relationship by providing examples of the types of parties who qualify as an associated borrower. Each of the defined relationships under § 701.22(a) is also captured under the broader language in § 723.21. In addition, use of the word ''borrower'' instead of ''member'' is intentional, as not all participation loans would be made to a member of the purchasing credit union. As such, the Board believes the definition of ''associated borrower'' is appropriate.

2. Credit Union Organization

The loan participation rule defines ''credit union organization'' as ''any credit union service organization meeting the requirements of part 712 of this chapter,'' but excludes ''trade associations or membership organizations principally composed of credit unions.''

While this definition was not included in any proposed amendments, several commenters suggested the definition of ''credit union organization'' could be interpreted to exclude FISCUs' CUSOs because NCUA's CUSO rule (Part 712) does not apply in full to CUSOs formed by state-chartered credit unions. The Board clarifies that the definition includes CUSOs subject to *any* requirement under Part 712, including CUSOs invested in or loaned to by FISCUs.

3. Eligible Organization

Under the current rule, the term ''eligible organization'' means ''a credit union, credit union organization, or financial organization.'' The definition of ''eligible organization'' was not part of the proposed amendments, but several commenters contended that the current definition of ''eligible organization'' is too limited. They argued that the definition should be expanded to include additional types of organizations to allow investors outside the credit union industry to participate in loans. The Board believes the current definition is sufficiently broad because, through the term ''financial organization,'' it includes any federally chartered or federally insured financial institution and a host of state and federal government sponsored and originated programs.

In a 2003 rulemaking[4] that expanded the definition of ''financial organization'' to include state and federal government agencies, the Board noted that the rule derives its definition from the legislative history of the 1977 public law that granted FCUs various authorities, including the authority to engage in loan participations.[5] In granting this authority, Congress expressed its intent to enhance the ability of FCUs to serve their members' loan demands. Congress also expressed, however, that originating FCUs must maintain discipline in the origination process. In accordance with the FCU Act and the legislative history, the Board believes the loan participation authority must not be so broad that loan

[2] Note, however, a limited exception for certain well capitalized federal credit unions to purchase, subject to certain conditions, non-member eligible obligations from a FICU. 12 CFR 701.23(b)(2).

[3] 12 CFR 723.21.

[4] 68 FR 39866, 39867 (July 3, 2003); see also 68 FR 75110 (Dec. 30, 2003).

[5] H.R. Rep. No. 95–23, at 12 (1977), reprinted in 1977 U.S.C.C.A.N. 115.

participations may be originated from any source. As such, the Board believes the current definition of eligible organization already includes all appropriate entities. Further, as discussed below, at a minimum, the seller in a loan participation agreement must be an eligible organization. The purchasing participants, however, may, but are not required to, be eligible organizations.

4. Financial Organization

While the definition of ''financial organization'' was not part of the proposed amendments, several commenters contended the definition should be revised to include non-federally insured or non-federally chartered financial institutions, such as privately insured, state-chartered credit unions (PISCUs). The Board notes the rule's current definition of ''eligible organization'' already includes non-federally insured or non-federally chartered credit unions. Through the term ''credit union,'' an eligible organization includes any federal or state chartered credit union, including those that are privately insured.

5. Loan Participation

The proposed rule revised the definition of ''loan participation'' to clarify that the originating lender must participate in the loan throughout the life of the loan.

During the public comment period for the proposal, a question was raised with respect to the stipulation in the definition that ''one or more eligible organizations participate'' in the loan. This commenter suggested that this language is ambiguous with respect to whether one or all participants must be an eligible organization. As noted above, at a minimum, the originating lender in a loan participation agreement must be an eligible organization. Purchasing participants are not required to be eligible organizations.

In addition, commenters raised concerns that the proposed definition's requirement for ''the originating lender's continuing participation throughout the life of the loan'' would prohibit a FICU from purchasing a loan participation and then selling participation interests in its participated portion of that loan. These comments are addressed in the next section.

6. Originating Lender

The proposed rule amended the definition of ''originating lender'' to clarify the requirement that a FICU may purchase a participation in a loan only from the participant with which the borrower initially or originally contracts for a loan.

Some commenters suggested the term ''originating lender'' should be changed to ''lead lender'' and the definition revised to allow the purchases of loan participation interests from a lender that did not initially originate the loan. In addition, several commenters expressed concern that the proposed definition of ''originating lender,'' read together with the proposed ''loan participation'' definition, would prohibit the resale of participation interests. These commenters suggested that the rule should permit the resale of participation interests and/or that a credit union should be permitted to buy an eligible obligation or whole loan from a CUSO or another credit union and then sell participations in that loan.

The Board notes that the current rule allows for the purchase of a loan participation interest only from the lender that initially originated the loan. A participation agreement must be made ''with the originating lender,'' that is, the ''participant with which the member contracts.'' [6] In other words, under the current rule, only the lender that initially originates a loan may sell participations in that loan to other lenders. The current rule does not permit the resale of a participation interest or the purchase of a participation interest in an eligible obligation. The proposed amendments were intended to retain and clarify this existing requirement. In a resale, a credit union cannot participate its interest in a loan because it is not the originating lender. Similarly, a credit union that purchases a loan as an eligible obligation from a CUSO or another credit union cannot participate that loan to others because the credit union is not the originating lender. The requirement that credit unions only participate with the originating lender derives from the FCU Act's requirement for originating FCUs to retain at least a 10 percent interest in the face amount of all loans they participate out.[7] Moreover, the Board interprets the authority in the FCU Act for credit unions to participate in loans ''with'' other lenders to contemplate a shared, continuing lending arrangement.[8] Simply put, the rule requires an originating lender to remain part of the participation arrangement and to retain a continuing interest in the loan in order to be a true participant. Otherwise, the transaction is not a loan participation but more akin to the sale of an eligible obligation. As the Board noted in 1991, permitting the sale of participation interests in eligible obligations ''will blur the distinction between loan participations and loan purchases and sales,'' arguably circumventing the purpose of the loan participation and eligible obligations rules.[9] Additionally, the Board believes the continued participation of the lender that initially originated the loan is integral to a safe and sound participation arrangement. In 1991, the Board expressed its concern that a lender ''may have a decreased interest in properly underwriting a loan if they know they can later reduce their risk by selling participation interests in it.'' [10] The requirement for the originating lender's continued participation in a loan participation arrangement is intended to address this safety and soundness concern. Accordingly, the definition of ''originating lender'' is adopted substantively as proposed in the final rule.

The Board, however, notes FICUs experiencing liquidity needs have several options for liquidating their participation interests in a manner consistent with the final rule. For example, an FICU may sell its participation interest back to the originating lender or it may sell its interest to another lender within the same participation arrangement. Subject to the requirements in § 701.23, a FICU may also sell its interest as an eligible obligation. A FICU may also enter into an assumption agreement whereby another lender would agree to assume, in whole, the FICU's participation interest in a loan.[11]

Additionally, several commenters suggested the word ''member'' in the definition of originating lender be replaced with ''borrower'' for consistency with the introductory language to § 701.22. The Board agrees, and the final definition has been modified accordingly.

Commenters also expressed concern about the definition of ''originating lender'' and its application to CUSOs. These commenters observed that a CUSO often serves as an originator in name only and, thus, is not the most appropriate party to regard as the originating lender for the purposes of the rule. For example, loans may be underwritten and processed by a CUSO,

[6] 12 CFR 701.22(a).

[7] 12 U.S.C. 1757(5)(E).

[8] 12 U.S.C. 1757(5).

[9] 56 FR 15036 (Apr. 15, 1991).

[10] Id.

[11] An assumption, in whole, of a participation interest is distinguishable from the resale of a participation interest (i.e., a participation of a participated interest) because another lender would fully assume the obligation of a participant in a participation agreement with the originating lender.

but funded by its owner credit union. The Board acknowledges that this CUSO model is not uncommon within the industry and permissible under § 712.5. For purposes of this final rule, it is the Board's intent that the originating lender is the entity with which the borrower initially or originally contracts for the loan.

C. § 701.22(b)—Requirements for Loan Participation Purchases

The final rule reorganizes and revises the provisions of §§ 701.22(b), (c), and (d) of the current rule and consolidates them into revised § 701.22(b). The revised section also includes additional details to improve clarity and address safety and soundness concerns. Specifically, revised § 701.22(b) provides that a FICU may only purchase a loan participation if the seller is an eligible organization and if the loan is one the FICU is empowered to grant under applicable law and its own internal loan policies. Empowered to grant refers to a FICU's authority to make a loan under the FCU Act, applicable state law, NCUA regulations, and its own bylaws and internal policies.[12] Other requirements for purchasing a loan participation include adopting a written loan participation agreement, establishing the borrower's membership in the originating FICU or one of the participating FICUs by the time the loan participation is purchased, and having/evidencing a continuing participation interest by the originating lender for the loan's duration. As further discussed below, such continuing interest by the originating lender must be at least 5 percent of the outstanding balance of the loan through the life of the loan. As mandated by the FCU Act, however, originating FCUs must retain at least 10 percent.[13]

The final rule requires a FICU to adopt a written loan participation policy, and it requires the policy to include certain provisions. Specifically, a FICU's loan participation policy must address various concentration limits and the maximum limit a FICU intends to place on its outstanding loan participations. The Board emphasizes that there may be other factors a FICU should consider in formulating a loan participation policy based on its size, complexity, and lending experience. The Board expects a FICU to consider all of these factors in establishing its policy. For example, a FICU purchasing a loan participation pool might perform statistical sampling in evaluating the underwriting standards of the pool. Conversely, a large purchase representing a significant portion of the FICU's net worth should require a full review of the loan documentation before approval. The Board expects a FICU to establish the parameters for review, including a periodic review for appropriateness, and adhere to such parameters.

1. Underwriting Standards—§ 701.22(b)(5)(i)

Section 701.22(b)(5)(i) of the proposal required a FICU to establish underwriting standards for loan participations meeting at least the same underwriting standards the FICU uses when it originates its own loan. Consistent with this, the proposal also eliminated an exception in § 701.22(c)(4) of the current rule, which permits an FCU to purchase a loan participation that was originated with underwriting standards different than its own.

While several commenters supported this proposed provision, a majority expressed concern that this aspect would effectively limit a credit union's loan participation purchases to those involving the types of loans that the purchasing credit union originates. Commenters suggested this could significantly inhibit loan participation programs. Commenters argued this would undermine safety and soundness by limiting diversification of credit unions' loan portfolios. They also stated this would limit the pool of credit unions to which originating credit unions could sell participation interests.

After careful consideration of these comments, the Board has determined to modify the rule to permit a purchasing credit union to participate in types of loans it does not originate. The Board recognizes that one of the principal benefits of loan participation is greater loan portfolio diversification. Accordingly, the final rule permits a FICU to purchase a participation in a loan it is empowered to grant, even if it does not originate that type of loan or if the loan is underwritten using standards other than those it uses when originating loans. It does not prevent a FICU from establishing different, or, where appropriate, even less stringent, underwriting standards for loan participations than it uses when originating its own loans. Moreover, where a FICU both originates and purchases participations in the same types of loans, the FICU is permitted to establish different underwriting standards for originating such loans and for purchasing participations in those loans. For example, if a FICU is empowered to grant MBLs, it may establish in its loan policy two distinct sets of underwriting standards, one for purchasing participations in MBLs and one for originating MBLs.

The Board emphasizes, however, that a FICU must establish prudent underwriting standards for loan participations and conduct appropriate due diligence before purchasing a loan participation. Such due diligence should be independently conducted by the purchasing FICU or outsourced to a qualified third party that is not otherwise affiliated with the loan. A purchasing FICU may not rely on an originating lender's due diligence.

2. Concentration Limits on Loan Participations

As discussed in the preamble to the proposal, in establishing concentration limits on loan participations, the Board sought to mitigate risk to the NCUSIF without discouraging continued growth.[14] By instituting concentration limits for loan participations that are tied to net worth, the proposal aimed to strike this balance by tying the concentration limits to net worth. The proposal also recognized the need for FICUs to identify and manage concentration risk on their balance sheets. Key among these risks are concentrations related to purchasing from a single or too few originators, loans to one or too few borrowers or a group of associated borrowers, and too many loans of a particular type.

The Board proposed to limit a FICU's loan participation purchases from any one originator to a maximum of 25 percent of the FICU's net worth, with no provision for waiver. The Board also proposed to limit a FICU's loan participation purchases involving any one borrower or group of associated borrowers to 15 percent of the FICU's net worth, unless the appropriate regional director grants a waiver. The Board requested public comment on the appropriateness of these caps, how they should be structured, and any alternative approaches to them.

a. Single Originator Concentration Limit

A majority of commenters opposed the proposed 25 percent net worth limitation on loan participation purchases from any one originator. Some commenters supported the reason for this limitation, but most indicated that a 25 percent cap is too low. Commenters stated that the proposed 25 percent limit would be cumbersome to manage and immaterial to overall risk mitigation. They also argued that the limit could actually increase, rather

[12] *See* OGC Op. 04–0713 (Oct. 25, 2004).

[13] 12 U.S.C. 1757(5)(E).

[14] 76 FR 79548, 79549 (Dec. 22, 2011).

than decrease, risk exposures, as credit unions would be required to manage and monitor multiple originators.

Some commenters disagreed that purchasing participations from one originator will necessarily increase risks. These commenters argued that it is more prudent to focus on diversification of risk in a participation portfolio than to limit purchases from a single originator. Other commenters observed that the quality of the underlying loans determines the level of potential risk more than the originating lender. Commenters also raised concerns that the proposed limit failed to consider the differences in the types of loans being participated. For example, large pools of auto loans represent multiple streams of repayment, whereas an equal dollar amount of mortgage or commercial loans may rely on a far less diverse stream of repayment. These commenters contended it is unreasonable for the proposal to limit all of a FICU's participation purchases from any one originator, which are spread out over many loans and borrowers, to 25 percent of net worth, when under the MBL rule, a FICU could make one loan to one borrower in the amount of up to15 percent of net worth.[15]

Several commenters also stated that there is no similar concentration limit in banking regulations. These commenters believed that the proposed limitation would arbitrarily disadvantage credit union loan participation programs in comparison to banks.

Commenters also expressed concern that the requirement would disrupt established, effective relationships with originators. Many noted that a purchasing credit union may have years of experience dealing with only one or a few originators. These credit unions would be forced to seek out new relationships. Commenters indicated that it takes a significant amount of time and resources to establish strong relationships with originators and the proposal would mitigate the value of those existing relationships. In addition, commenters argued that the proposed limitation would have a disproportionately negative impact on smaller credit unions by increasing due diligence costs. Also, many smaller credit unions may not have the capacity or expertise to monitor multiple originators.

Similarly, several commenters suggested that the proposal would have a disproportionately negative impact on certain originators. For example, there are only a limited number of originators of taxi medallion loans. Moreover, commenters stated that originators on the whole would be negatively impacted because the proposed restriction would limit the pool of available participant purchasers.

Commenters also raised concerns that the proposed limitation would impact a particular CUSO model. Under this model, in order to aggregate resources for lending expertise, credit unions form a CUSO to originate mortgage or business loans in either the CUSO's name or in an owner credit union's name. The originating lender then sells loan participation interests to the CUSO's other owner credit unions. Commenters indicated that, if the proposed 25 percent single originator limit were adopted, many credit unions involved in these types of CUSOs would be immediately out of compliance with the new rule due to the interconnectedness that is inherent in this business model.

The Board is sensitive to these concerns. As noted above, in prescribing concentration limits on loan participations, the Board seeks to strike an appropriate balance between mitigating risk and fostering the industry's growth and stability. Upon consideration of commenters' feedback, the Board believes that a higher, more flexible cap for loan participations involving a single originator is appropriate.

Some commenters suggested the cap should be removed entirely, or that certain exemptions from the single originator limitation should be provided. Most commenters, however, favored keeping the single originator cap, but advocated a higher limit. A number of commenters suggested that a higher concentration limit should be permitted for loans originated by CAMEL 1 or 2 FICUs. One commenter argued that the limit should be 400 percent of net worth. Another commenter suggested that the limit be 100 percent of capital. Commenters also suggested that if the loan-to-value ratio of the underlying loans is under 75 percent, a higher limit should be permitted. A significant number of commenters also requested that the rule permit waivers from the single originator concentration limit.

Based on the comments, the Board has determined to substantially raise the single originator cap. The final rule includes a single originator cap not to exceed the greater of $5 million or 100 percent of net worth. The Board continues to believe that net worth is the appropriate measure for this cap. Net worth cushions fluctuations in earnings, supports growth, and provides protection against insolvency. As the reserve of funds available to absorb losses, it is the best measure to gauge a credit union's risk exposure. The Board believes a limit of 100 percent of net worth provides sufficient concentration risk mitigation, yet is not too restrictive as to adversely impact a significant number of credit unions.

NCUA does not currently collect the amount of loan participations purchased from a particular originator on the quarterly 5300 Call Report. Using reasonable assumptions, however, the agency is able to gauge some of the impact this limit may have on the industry. For example, assuming all loan participations were purchased from one originator, only 79 of the 1,316 FICUs reporting purchased loan participations outstanding were over the 100 percent net worth limit as of December 31, 2012. In fact, this is a conservative analysis and likely overstates the number of FICUs over the aggregate limit, as many credit unions purchase participations from multiple originators. Therefore, the following table illustrates the difference in the number of affected credit unions, depending on the number of originators[16] and the single originator limit in effect:

[15] 12 CFR 723.8.

[16] Assuming an equal amount of loan participations would be purchased from each originator.

Number of originators	Number of FICUs exceeding the single originator limit of 25 percent of net worth	Number of FICUs exceeding the single originator limit of 100 percent of net worth	Number of FICUs exceeding the single originator limit of the greater of $5 million or 100 percent of net worth
1	483	79	39
2	251	17	5
3	144	9	1
4	79	7	0

In light of these considerations, the Board believes the 100 percent of net worth concentration limit in the final rule addresses commenters' major concerns regarding the single originator concentration limit.

The Board also recognizes that a flat percentage threshold, even if significantly raised, may not address commenters' concerns that the proposed concentration limit would unfairly disadvantage smaller credit unions. The final rule also includes a dollar threshold of $5 million to address these specific concerns. The dollar limit was added to reduce the potential adverse impact on small credit unions with lower net worth in terms of dollar amount. Indeed, as illustrated in the table above, when the threshold of ''the greater of $5 million or 100 percent of net worth'' was applied, the number of credit unions exceeding the limit fell from 79 to 39. Of these 39 credit unions, only 8 exceeded the limit based on the $5 million threshold, which was higher than their total net worth. The Board notes the $5 million limit poses a relatively small risk to the NCUSIF and generally correlates with NCUA's recently amended definition of small entity for purposes of the Regulatory Flexibility Act.[17] For example, with aggregate industry net worth at over 10 percent, a $50 million credit union would have approximately $5 million in net worth.[18] As total assets and net worth increase, however, the percentage of net worth threshold would become the prevailing limit.

Additionally, the final rule allows a FICU to apply for a waiver from the single originator concentration limit. Waivers are discussed in more detail below. The Board believes that with these substantial adjustments, the final rule achieves the agency's key objective of mitigating risk to the NCUSIF while providing FICUs with sufficient flexibility to meet their operational needs.

Several commenters requested clarification on whether a credit union that purchases loan participation interests from both a CUSO and the CUSO's owner credit union has purchased from one or two originators. The Board notes that a CUSO is an individual business that is a distinct and separate entity from any credit union that lends to it or invests in it. NCUA's CUSO regulation requires that a CUSO and a credit union that owns all or part of it must be operated in a manner that demonstrates to the public the separate corporate existence of each entity.[19] For example, each separate entity must operate so that ''its respective business transactions, accounts, and records are not intermingled.''[20] As such, purchases of participation interests in loans originated by a CUSO will not be aggregated with participation interests in loans originated by the CUSO's owner credit union for purposes of the single originator limit. They will be treated as two separate originators. The Board emphasizes, however, that CUSO arrangements must not be used to circumvent the requirements of the final rule. For example, FICUs may not circumvent the rule by establishing ''round-robin'' participation arrangements in which participants take turns as the originating lender in order to effectively distribute the single originator concentration limit among multiple parties.

b. Single Borrower Concentration Limit

A number of commenters expressed support for the proposed 15 percent of net worth concentration limit on the purchase of participations of loans made to any one borrower or group of borrowers. Some commenters supported the reason for this limitation, but maintained that each credit union should be permitted to establish its own individual limit by internal policy. In general, however, most commenters believed the 15 percent limit was reasonable, with many noting its consistency with the loan to one borrower limit in the MBL rule.

Other commenters disagreed with the proposed requirement, asserting that the limitation is duplicative because the MBL rule already imposes a similar limit. These commenters also argued that adequate underwriting and due diligence are sufficient safeguards, thereby obviating the need for a regulatory limitation.

The Board believes the 15 percent limitation appropriately balances the need to mitigate borrower concentration risk with the need for FICUs' flexibility in making credit decisions. As such, the limit is adopted in the final rule as proposed. While this limit is similar to the loan to one borrower limit in the MBL rule, they are not duplicative because not all loan participations are business-related loans subject to the MBL rule. The limit in this final rule applies to both MBL and non-MBL participations. Further, including the limit in the loan participation rule clarifies that MBL originations and MBL participations are both subject to the 15 percent single borrower limit. Thus, the Board believes that the limitation in the loan participation rule is warranted. The provision allowing FICUs to apply for waivers from this limit also is adopted in the final rule as proposed.

c. Self-Imposed Concentration Limits

The proposal required a FICU's loan participation policy to establish self-imposed limits on the amount of loan participations that a FICU may purchase by loan type, not to exceed a specified percentage of the credit union's net worth. Most commenters either supported, or did not comment on, this aspect of the proposal.

As such, the provision is adopted as proposed. The Board reiterates that it is important for a FICU to clearly identify and set reasonable limits. Consistent with NCUA guidance on the evaluation of concentration risk, concentration limits should be established commensurate with a FICU's net worth.[21]

d. Grandfathering

A FICU that exceeds the single originator or single borrower concentration limits as of the effective date of this final rule will be grandfathered and will not be required to divest of any loan participations it holds at that time. The FICU will not be

[17] 78 FR 4032 (Jan. 18, 2013).

[18] The non-dollar weighted average net worth ratio for FICUs under $50 million was 14.30% as of December 31, 2012, while the aggregate net worth ratio for the under $50 million group was 12.44%.

[19] 12 CFR 712.4.

[20] 12 CFR 712.4(a)(1).

[21] Letter to Credit Unions 10–CU–03, *Concentration Risk* (Mar. 2010).

permitted to purchase any additional participations after that time, however, and its participation portfolio must decrease as participations are paid off or sold until its portfolio complies with regulatory concentration limits. A FICU may purchase additional participations if its portfolio is below regulatory concentration limits, but only in an amount up to the regulatory concentration limits, not up to its previously grandfathered amount.

D. § 701.22(c)—Waivers

In the proposed rule, the Board sought public comment on the agency's waiver process. Commenters identified a number of general concerns, including: (1) The perception that examiners discourage credit unions from seeking a waiver; (2) delayed or slow responses from NCUA regarding waiver applications; (3) lack of adequate explanations for NCUA denials of waiver requests; and (4) poor examiner feedback concerning waiver applications.

The Board finds the discussion on waivers helpful. Since the loan participation rule was originally proposed in December 2011, NCUA has taken, and continues to take, significant steps to improve and clarify NCUA's overall waiver process. For example, NCUA's National Supervision Policy Manual (NSPM) contains a chapter on waivers to enhance consistency in waiver processing procedures and timeframes. Additionally, NCUA recently issued a Supervisory Letter on evaluating credit union requests for waivers of provisions in the MBL rule.[22]

With respect to waiver requests to be made pursuant to this final rule, FICUs are encouraged to contact NCUA examiners for guidance and assistance prior to submitting a waiver application. A FICU's examiner may offer guidance on how the regional office may evaluate a waiver request because the regional office typically asks for the examiner's input before making a final decision. The Board emphasizes that regardless of the examiner's feedback, it remains a FICU's right to request a waiver. Further, it remains the regional director's decision to approve or disapprove a waiver request irrespective of any input the examiner may have shared with a FICU. Regional offices will process complete waiver applications as expeditiously as possible on a first-in, first-out basis. The NSPM outlines specific timeframes for a regional office to respond to a waiver request. The NSPM requires a response within 45 days unless otherwise mandated by regulation. The NSPM also contains standard templates for various types of waiver response letters and provides guidance on the information that would typically be addressed in the response, including specific reasons for denying a waiver.[23]

Several commenters asserted that the authority to grant waivers for FISCUs should reside with the state regulators, with notice to NCUA. Alternatively, commenters suggested waivers for FISCUs should require the concurrence of the state regulators. The Board continues to believe that it is appropriate for NCUA, as administrator of the NCUSIF, to approve or disapprove waiver requests but it agrees that waivers for FISCUs should require the concurrence of the appropriate state supervisory authority. The final rule has been revised accordingly.

Commenters also suggested that approvals should be deemed granted if NCUA fails to act within a prescribed time period. The Board believes waiver determinations must be rendered timely. Consistent with the NSPM, the final rule provides that the regional director will notify the FICU of the waiver decision within 45 calendar days of receiving a fully completed waiver request. Waiver determinations are appealable to the Board within 60 days.

Finally, a number of commenters suggested that if an originator obtains a waiver for a loan, then a participating credit union should not have to also obtain a waiver for that loan. Commenters also suggested that waivers should be made available to FICUs in advance to permit them to complete transactions consistent with pre-approved guidelines, with subsequent notice to its regional office.

The Board agrees that if an originating lender obtains a waiver for a loan, the participating credit unions do not also have to obtain a waiver. If, however, the originating lender does not obtain a waiver for a loan, each participant is required to obtain its own waiver for its interest in the participated loan. In other words, a participating credit union's waiver does not pass to other participants.

A waiver from the single originator limit is somewhat less time-sensitive for a loan participation purchase than it is for granting an MBL. For example, a waiver to exceed 100 percent of net worth to any one originator does not affect purchases of loan participations from originators that are not near the credit union's cap. Thus, a credit union may purchase participations from other originators while awaiting approval of its waiver request. Nevertheless, a purchasing credit union should anticipate the need for a waiver and submit a waiver application as early in the transaction process as possible. Blanket waivers may be granted under appropriate circumstances.

The final rule allows NCUA to grant waivers from both the single originator and single borrower concentration limitations. To further clarify the waiver process, the final regulatory text articulates NCUA's expectations for FICUs requesting waivers and NCUA's obligations in reviewing such in § 701.22(c).[24] In order for the regional director to review and process waiver applications as expeditiously as possible, a FICU should include in its waiver application the following information:

- A copy of all pertinent lending policies and underwriting standards;
- The requested higher limit;
- An explanation of the need for increasing the limit;
- Documentation supporting the credit union's ability to manage and monitor this activity, including existing risk mitigation measures;
- Analysis of the credit union's prior experience with this type of loan;
- The loan participation master agreement;
- Servicing agreements/contracts, if applicable; and
- Documentation supporting the resolution of any material problems identified in the most recent exam report's Document of Resolution or any outstanding administrative actions. Stronger support would be expected if a problem relates to loan participations, the type of loan the credit union wants to purchase, or existing waivers.

Prior to the effective date of this final rule, NCUA intends to issue supervisory guidance on evaluating credit union requests for waivers of provisions in the loan participation rule.

E. § 701.22(d)—Minimum Requirements for a Loan Participation Agreement

The final rule revises current § 701.22(b)(2), which requires loan participation agreements to be in writing. It moves agreement-related requirements to revised paragraph § 701.22(d). The Board recognizes that a successful loan participation relationship depends, in large part, on the quality and completeness of the participation agreement. A well-written

[22] Letter to Credit Unions 13–CU–02, *Member Business Loan Waivers* (Feb. 22, 2013).

[23] See e.g., NSPM, Appendix 6–V.

[24] Proposed § 701.22(c) addressed the minimum requirements for a loan participation agreement. The agreement-related requirements have been moved to § 701.22(d) in the final rule.

agreement can minimize intercreditor conflicts during the life of the loan, especially if the loan becomes delinquent. Accordingly, the Board believes that any participation agreement must clearly delineate the roles, duties, and obligations of the originating lender, servicer, and participants. In the final rule, revised § 701.22(d) enumerates the issues a loan participation agreement must, at a minimum, address in order for a FICU to purchase the loan participation. For example, a loan participation agreement must include a provision requiring an originating lender to retain a certain percentage interest in the loan throughout its duration. As discussed in more detail below, as mandated by the FCU Act, the final rule requires originating FCUs to retain at least 10 percent of the outstanding balance of the loan through the life of the loan.[25] The loan participation agreement must require originating FISCUs, PISCUs, CUSOs, and other eligible organizations to retain at least 5 percent, or higher, depending on applicable state law. Other provisions require the agreement to identify each participated loan, enumerate servicing responsibilities for the loan, and include disclosure requirements regarding the ongoing financial condition of the loan, the borrower, and the servicer.

These provisions emphasize the need for adequate documentation and due diligence from before the time of purchase throughout the life of the loan. Under § 701.22(d)(4)(i), a loan participation agreement must specify the loan or loans in which a credit union is purchasing an interest. Where, for example, a participation agreement involves multiple loans, the documentation can be as simple as an addendum or schedule for identifying each loan and a participant's interest in that loan. This provision also clarifies the existing prohibition against purchasing a participation certificate in a pool of loans.

1. Risk Retention Requirement on Originating Lender

As noted above, the FCU Act mandates the 10 percent originating lender retention requirement for FCUs.[26] While some commenters disagreed, most generally supported extending a similar risk retention requirement to FISCUs. Of the supporters, most agreed that 10 percent is reasonable, although many suggested 10 percent is too high. A number of commenters recommended 5 percent as more appropriate. Other commenters suggested various alternative thresholds. In addition, several commenters contended that state law should control the risk retention requirement for FISCUs. Commenters also suggested that any originator in which a participating credit union has a direct or indirect ownership interest (i.e., a CUSO) should be exempt from any risk retention requirement.

The Board believes that, to minimize risk to the NCUSIF, a meaningful risk retention requirement should apply to all originators, without exception. Loan participation activities pose risks to the NCUSIF irrespective of the originating lender's charter type. Requiring the originating lender to retain an economic interest in the participated loan incentivizes the originator to lend more responsibly because it will have ''skin in the game.'' As some commenters noted, the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)[27] imposed new risk retention requirements to address problems in the securitization markets by requiring that securitizers retain an economic interest in the credit risk of the assets they securitize. Specifically, section 15G of the Securities Exchange Act of 1934, added by section 941(b) of the Dodd-Frank Act, generally requires the securitizer of asset-backed securities (ABS) to retain not less than 5 percent of the credit risk of the assets collateralizing the ABS.[28] By requiring securitizers to retain an economic interest in a material portion of the credit risk for assets being securitized, Congress intended the retention requirement to encourage sound lending practices by creating strong incentives for securitizers to monitor the quality of the assets underlying a securitization transaction.[29] As noted in the legislative history, ''[w]hen securitizers retain a material amount of risk, they have 'skin in the game,' aligning their economic interest with those of investors in asset-backed securities.''[30]

While the FCU Act does not impose a retention requirement on originating FISCUs, PISCUs, CUSOs, or other eligible organizations, NCUA has long interpreted the FCU Act to require an originating lender to retain a meaningful ownership interest in the loan to be considered a participant and for the transaction to qualify as a loan participation. Further, as noted above, the Board has long expressed concerns that an originating lender may be disinclined to properly underwrite a loan if it can later mitigate its risk by selling participation interests in the loan.[31]

Nevertheless, the Board supports and encourages the dual chartering system. Upon review of the comments, the Board believes NCUA can achieve the above-stated safety and soundness objectives with a retention requirement that is less stringent than the proposed 10 percent threshold. Consistent with the Dodd-Frank Act's risk retention standard, the Board believes a 5 percent minimum retention requirement provides a significant economic stake for originators without being overly restrictive. Accordingly, the final rule provides that, in order for a FICU to purchase a loan participation from an eligible organization, the loan participation agreement must require the originating lender to retain at least 5 percent of the outstanding balance of the loan through the life of the loan, unless applicable state law establishes a higher retention threshold. This minimum 5 percent retention requirement applies to all originating eligible organizations, including FISCUs, PISCUs, CUSOs, banks and other financial organizations. If the originating lender is an FCU, consistent with the FCU Act, the agreement must require the originating FCU to retain at least 10 percent of the loan. The Board emphasizes that, under the final rule, FCUs may purchase loan participations from non-FCU originating lenders that retain at least 5 percent of the face amount of the loan for the loan's duration. The 10 percent retention requirement for FCUs applies only where the FCU is the originating lender in a participation arrangement.

F. Related Regulatory Provisions

1. Sec. 701.23—Purchase, Sale, and Pledge of Eligible Obligations

The proposal added introductory text to § 701.23 to clarify the scope of § 701.23 and to distinguish transactions under § 701.23 from transactions covered by § 701.22. The final rule adopts the additional language substantially as proposed, but with some amendments to conform it to a 2012 final rule promulgated by NCUA eliminating the Regulatory Flexibility Program (RegFlex).[32] The final rule regarding RegFlex provides a limited exception to the general requirement that an FCU's purchase, sale, or pledge of all or part of a loan must be to one

[25] 12 U.S.C. 1757(5)(E).

[26] Id.

[27] Public Law 111–203 (2010).

[28] 15 U.S.C. 78o–11.

[29] *See* S. Rept. 176, 111th Cong., at 212 (2010).

[30] S. Rept. 176, 111th Cong., at 129 (2010).

[31] *See* 56 FR 15036 (Apr. 15, 1991).

[32] 77 FR 31981 (May 31, 2012).

of its own members.[33] Specifically, the exception permits FCUs that meet the well capitalized standard to buy loans from other FICUs without regard to whether the loans are eligible obligations of the purchasing FCU's members or the members of a liquidating credit union. The final rule also makes a parallel conforming amendment to the introductory text to § 701.22 in this regard.

2. Sec. 741.8—Purchase of Assets and Assumption of Liabilities

Section 741.8 is a safety and soundness provision that requires, with limited exceptions, all FICUs to receive approval from NCUA before purchasing loans or assuming an assignment of deposits, shares, or liabilities from any entity that is not insured by the NCUSIF. Currently, there are no exceptions under § 741.8 for loan participation purchases but in practice an FCU is not required to obtain separate regional director approval for loan participation purchases that comply with the requirements of the loan participation rule. The proposed rule amended § 741.8 for consistency with this current agency practice. The final rule inserts language in § 741.8 specifying that regional director approval is not required under § 741.8 for a FICU's loan participation purchase that complies with the requirements in § 701.22. The exclusion applies to both FCUs and FISCUs. The finalized language is unmodified from the proposal.

3. Sec. 741.225—Loan Participations

The proposed rule amended Part 741 by adding a new § 741.225 to extend the requirements of § 701.22 to FISCUs, noting there are strong indications of potential risk to the NCUSIF from FISCUs' loan participation activity. A number of commenters expressed concern that the proposal would significantly undermine the dual chartering system, contending that state law should govern loan participations for FISCUs. Several commenters also questioned whether the data presented in the proposal was sufficient to justify extending the loan participation rule's coverage to FISCUs.

While the Board supports and encourages the dual chartering system, FISCUs' increasing loan participation activity presents significant potential risk to the NCUSIF, as discussed in the preamble to the proposed rule.[34] Since year-end 2007, FISCUs have been responsible for approximately 54 percent of participation loans purchased and 61 percent of participation loans sold. FISCUs have also consistently accounted for the majority of loan participations outstanding. Over that same five-year period, FISCU-participated loan balances have increased 31.4 percent, from $5.7 billion in December 2007 to $7.5 billion in December 2012. As of December 30, 2012, although FISCUs represented only 37.4 percent of all federally insured credit unions, FISCUs held 54.4 percent of loan participations outstanding. Among the 20 FICUs with the highest amount of participation loans outstanding, 12 (or 60 percent) were FISCUs.

Since 2007, FISCUs overall experienced a higher delinquency rate in their loan participation portfolios. At year-end 2012, for example, the delinquency rate for the FISCU-participated portfolio was 2.18 percent, compared to 1.27 percent for FCUs. Of the 78 federally insured credit unions reporting over 10 percent delinquency on participation loans, 52 (or 66.7 percent) were FISCUs. With regard to actual losses, charge-off data for the last few years indicates FISCUs have experienced higher losses on participation loans than FCUs. Indeed, the average net charge-off rate for FISCUs for 2010–2012 was 1.48 percent, compared with 0.77 percent for FCUs. Even though net charge-offs on participation loans fell for both FISCUs and FCUs in 2012 with the improving economy, the year-end net charge-off rate for FISCUs was more than double the net charge-off rate for FCUs (1.46 percent vs. 0.62 percent).

Furthermore, the Board believes some safety and soundness requirements should be applied to all FICUs to minimize risk to the NCUSIF. FISCU involvement in loan participations currently is subject only to state law, which may vary from NCUA's regulations and from state to state. Section 201 of the FCU Act states the Board is authorized to insure the member accounts of state-chartered credit unions that have applied to, and been approved by, NCUA for federal insurance coverage. Credit unions receiving federal insurance must agree to comply with the requirements of Title II and any regulations prescribed by the Board pursuant to Title II. Section 741.225 is being added to Part 741 pursuant to this authority for the reasons discussed above. The final rule adopts § 741.225 substantively as proposed, with one minor change to clarify that FISCUs, but not FCUs, are exempt from § 701.22(b)(4).

IV. Regulatory Procedures

A. Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any regulation may have on a substantial number of small entities.[35] For purposes of this analysis, NCUA considers credit unions having under $50 million in assets small entities.[36] There were 4,604 credit unions under $50 million as of December 31, 2012. 398 small FICUs reported participations outstanding at year-end 2012. In addition, 177 reported purchasing participations, and 50 reported selling participations in 2012.[37]

NCUA does not believe the final rule will have a significant impact on a substantial number of small credit unions. Loan participations are a means for institutions to diversify risk and to employ excess lending capacity. Generally, smaller credit unions are not actively involved in loan participation transactions. The $5 million threshold and the waiver process will further limit the impact on small credit unions.

B. 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.[38] 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.

The final rule contains an information collection in the form of a written policy requirement and a transaction documentation requirement. All FICUs purchasing loan participations must have a written loan participation policy. In addition, before purchasing a loan participation, a FICU must enter into a written loan participation agreement that specifically identifies the subject loans and other material information. As required by the PRA, NCUA has submitted a copy of this final rule to OMB for its review and approval. Persons interested in submitting comments with respect to the information collection aspects of the proposed IRPS should submit them to OMB at the address noted below.

[33] 12 CFR 701.23(b)(2).

[34] 76 FR 79548, 79550 (Dec. 22, 2011).

[35] 5 U.S.C. 603(a).

[36] Interpretive Ruling and Policy Statement 87–2. 52 FR 35231. (Sept. 18, 1987), as amended by IRPS 03–2, 68 FR 31949 (May 29, 2003) and IRPS 13–1 78 FR 4032 (Jan. 18, 2013).

[37] There is overlap between these three groups of small credit unions involved with participations.

[38] 44 U.S.C. 3507(d); 5 CFR part 1320.

Based on NCUA's experience, credit unions generally maintain written loan participation policies and enter into written agreements when purchasing loan participations. As such, they will only need to modify their practices to comply with the final rule. It is, therefore, NCUA's view that maintaining a written loan participation policy and executing written participation purchase agreements are not new burdens created by this regulation. 1,482 FICUs reported participations outstanding at year-end 2012. Based on the current volume of reported loan participation activity, NCUA estimates approximately 1,482 FICUs will need to modify a written loan participation policy. NCUA further estimates it should take a credit union an average of 4 hours to modify its loan participation policy. The total annual burden imposed is approximately 5,928 hours. With regard to executing a written loan participation agreement, NCUA estimates the regulation will cause no additional burden.

NCUA considers comments by the public on this proposed collection of information in:

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the NCUA, including whether the information will have a practical use;
- Evaluating the accuracy of the NCUA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of collection of information on those who are required 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.

Comments on the information collection requirements should be sent to: Office of Information and Regulatory Affairs, OMB, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503; Attention: NCUA Desk Officer, with a copy to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency,[39] voluntarily complies with the Executive Order. Among others, the final rule applies to federally insured, state-chartered credit unions. By law, these institutions are already subject to numerous provisions of NCUA's rules, based on the agency's role as the insurer of member share accounts and the significant interest NCUA has in the safety and soundness of their operations. The final rule may have an occasional direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. This final rule may supersede provisions of state law, regulation, or approvals. The final rule could lead to conflicts between the NCUA and state financial institution regulators on occasion; however, based on comments received on the proposed rule, NCUA has made modifications in this final rule to minimize conflicts in this area. For example, as discussed above, the final rule provides that for originating lenders that are FISCUs, the minimum risk retention requirement is 5 percent, unless applicable state law establishes a higher retention threshold. In addition, waivers for FISCUs from any provision of the final rule will require the concurrence of the appropriate state supervisory authority.

D. The Treasury and General Government Appropriations Act, 1999—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.[40]

E. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996[41] (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.[42] NCUA does not believe this final rule is a ''major rule'' within the meaning of the relevant sections of SBREFA. NCUA has submitted the rule to the Office of Management and Budget for its determination in that regard.

List of Subjects

12 CFR Part 701

Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

12 CFR Part 741

Credit, Credit unions, Reporting and recordkeeping requirements, Share insurance.

12 CFR Part 742

Credit unions.

By the National Credit Union Administration Board, on June 20, 2013.

Mary F. Rupp,

Secretary of the Board.

For the reasons discussed above, the NCUA Board amends 12 CFR part 701 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 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.

■ 2. Revise § 701.22 to read as follows:

§ 701.22 Loan participations.

This section applies only to loan participations as defined in paragraph (a) of this section. It does not apply to the purchase of an investment interest in a pool of loans. This section establishes the requirements a federally insured credit union must satisfy to purchase a participation in a loan. This section applies only to a federally insured credit union's purchase of a loan participation where the borrower is not a member of that credit union and where a continuing contractual obligation between the seller and purchaser is contemplated. Generally, a federal credit union's purchase of all or part of a loan made to one of its own members, subject to a limited exception for certain well capitalized federal credit unions in § 701.23(b)(2), where no continuing contractual obligation between the seller and purchaser is contemplated, is governed by § 701.23 of this part. Federally insured, state-chartered credit unions are required by § 741.225 of this chapter to comply with

[39] 44 U.S.C. 3502(5).

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

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

[42] 5 U.S.C. 551.

the loan participation requirements of this section. This section does not apply to corporate credit unions, as that term is defined in § 704.2 of this chapter.

(a) For purposes of this section, the following definitions apply:

Associated borrower means any borrower with a shared ownership, investment, or other pecuniary interest in a business or commercial endeavor with the borrower. This includes guarantors, co-signors, major stakeholders, owners, investors, affiliates and other parties who have influence on the management, control, or operations of the borrower.

Credit union means any federal or state-chartered credit union.

Credit union organization means any credit union service organization meeting the requirements of part 712 of this chapter. This term does not include trade associations or membership organizations principally composed of credit unions.

Eligible organization means a credit union, credit union organization, or financial organization.

Financial organization means any federally chartered or federally insured financial institution; and any state or federal government agency and its subdivisions.

Loan participation means a loan where one or more eligible organizations participate pursuant to a written agreement with the originating lender, and the written agreement requires the originating lender's continuing participation throughout the life of the loan.

Originating lender means the participant with which the borrower initially or originally contracts for a loan and who, thereafter or concurrently with the funding of the loan, sells participations to other lenders.

(b) A federally insured credit union may purchase a participation interest in a loan from an eligible organization only if the loan is one the purchasing credit union is empowered to grant and the following additional conditions are satisfied:

(1) The purchase complies with all regulatory requirements to the same extent as if the purchasing federally insured credit union had originated the loan, including, for example, the loans-to-one-borrower provisions in § 701.21(c)(5) of this part for federal credit unions and § 723.8 of the member business loans rule in part 723 of this chapter for all federally insured credit unions;

(2) The purchasing federally insured credit union has executed a written loan participation agreement with the originating lender and the agreement meets the minimum requirements for a loan participation agreement as described in paragraph (d) of this section;

(3) The originating lender retains an interest in each participated loan. If the originating lender is a federal credit union, the retained interest must be at least 10 percent of the outstanding balance of the loan through the life of the loan. If the originating lender is any other type of eligible organization, the retained interest must be at least 5 percent of the outstanding balance of the loan through the life of the loan, unless a higher percentage is required under applicable state law;

(4) The borrower becomes a member of one of the participating credit unions before the purchasing federally insured credit union purchases a participation interest in the loan; and

(5) The purchase complies with the purchasing federally insured credit union's internal written loan participation policy, which, at a minimum, must:

(i) Establish underwriting standards for loan participations;

(ii) Establish a limit on the aggregate amount of loan participations that may be purchased from any one originating lender, not to exceed the greater of $5,000,000 or 100 percent of the federally insured credit union's net worth, unless this amount is waived by the appropriate regional director, and, in the case of a federally insured, state-chartered credit union, with prior written concurrence of the appropriate state supervisory authority;

(iii) Establish limits on the amount of loan participations that may be purchased by each loan type, not to exceed a specified percentage of the federally insured credit union's net worth; and

(iv) Establish a limit on the aggregate amount of loan participations that may be purchased with respect to a single borrower, or group of associated borrowers, not to exceed 15 percent of the federally insured credit union's net worth, unless waived by the appropriate regional director, and, in the case of a federally insured, state-chartered credit union, with prior written concurrence of the appropriate state supervisory authority.

(c) To seek a waiver from any of the limitations in paragraph (b) of this section, a federally insured credit union must submit a written request to its regional director with a full and detailed explanation of why it is requesting the waiver. Within 45 days of receipt of a completed waiver request, including all necessary supporting documentation and, if appropriate, any written concurrence, the regional director will provide the federally insured credit union a written response. The regional director's decision will be based on safety and soundness and other considerations; however, the regional director will not grant a waiver to a federally insured, state-chartered credit union without the prior written concurrence of the appropriate state supervisory authority. A federally insured credit union may appeal any part of the waiver determination to the NCUA Board. Appeals must be submitted through the regional director within 60 days of the date of the determination.

(d) A loan participation agreement must:

(1) Be properly executed by authorized representatives of all parties under applicable law;

(2) Be properly authorized by the federally insured credit union's board of directors or, if the board has so delegated in its policy, a designated committee or senior management official, under the federally insured credit union's bylaws and all applicable law;

(3) Be retained in the federally insured credit union's office (original or copies); and

(4) Include provisions which, at a minimum, address the following:

(i) Prior to purchase, the identification of the specific loan participation(s) being purchased, either directly in the agreement or through a document which is incorporated by reference into the agreement;

(ii) The interest that the originating lender will retain in the loan to be participated. If the originating lender is a federal credit union, the retained interest must be at least 10 percent of the outstanding balance of the loan through the life of the loan. If the originating lender is any other type of eligible organization, the retained interest must be at least 5 percent of the outstanding balance of the loan through the life of the loan, unless a higher percentage is required under state law;

(iii) The location and custodian for original loan documents;

(iv) An explanation of the conditions under which parties to the agreement can gain access to financial and other performance information about a loan, the borrower, and the servicer so the parties can monitor the loan;

(v) An explanation of the duties and responsibilities of the originating lender, servicer, and participants with respect to all aspects of the participation, including servicing, default, foreclosure, collection, and

other matters involving the ongoing administration of the loan; and

(vi) Circumstances and conditions under which participants may replace the servicer.

■ 3. Amend § 701.23 by adding introductory text to read as follows:

§ 701.23 Purchase, sale, and pledge of eligible obligations.

This section governs a federal credit union's purchase, sale, or pledge of all or part of a loan to one of its own members, subject to a limited exception for certain well capitalized federal credit unions, where no continuing contractual obligation between the seller and purchaser is contemplated. For purchases of eligible obligations, except as described in paragraph (b)(2) of this section, the borrower must be a member of the purchasing federal credit union before the purchase is made. A federal credit union may not purchase a non-member loan to hold in its portfolio.

* * * * *

PART 741—REQUIREMENTS FOR INSURANCE

■ 4. 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.

Subpart A—Regulations Applicable to Both Federal Credit Unions and Federally Insured, State-Chartered Credit Unions That Are Not Codified Elsewhere in NCUA's Regulations

■ 5. Amend § 741.8 by:

■ a. Removing the word ''or'' appearing at the end of paragraph (b)(2);

■ b. Adding the word ''or'' after the semicolon appearing at the end of paragraph (b)(3); and

■ c. Adding paragraph (b)(4).

The addition reads as follows:

§ 741.8 Purchase of assets and assumption of liabilities.

* * * * *

(b) * * *

(4) Purchases of loan participations as defined in and meeting the requirements of § 701.22 of this chapter.

* * * * *

■ 6. Add § 741.225 to read as follows:

§ 741.225 Loan participations.

Any credit union that is insured pursuant to Title II of the Act must adhere to the requirements stated in § 701.22 of this chapter, except that federally insured, state-chartered credit unions are exempt from the requirement in § 701.22(b)(4).

[FR Doc. 2013–15178 Filed 6–24–13; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2013–0493; Special Conditions No. 23–260–SC]

Special Conditions: Cessna Aircraft Company, Model J182T; Electronic Engine Control System Installation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Cessna Aircraft Company (Cessna) Model J182T airplane. This airplane will have a novel or unusual design feature(s) associated with the installation of an electronic engine control. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is June 25, 2013.

We must receive your comments by July 25, 2013.

ADDRESSES: Send comments identified by docket number [FAA–2013–0493] using any of the following methods:

■ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

■ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

■ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

■ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Rouse, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106; telephone (816) 329–4135; facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On April 2, 2012, Cessna Aircraft Company applied for an amendment to Type Certificate No. 3A13 to include the new model J182T which will incorporate the installation of the Societe de Motorisation Aeronautiques (SMA) Engines, Inc. SR305–230E–C1 which is a four-stroke, air cooled, diesel cycle engine that uses turbine (jet) fuel. The J182T incorporates an engine controlled by an electronic engine

control (EEC), also known as a Full Authority Digital Engine Control (FADEC). The EEC system performs critical functions throughout the operational envelope such as the control of the fuel flow and ignition. These functions and their impact on the engine are required by 14 CFR parts 33 and 23. Additionally, the EEC systems have incorporated functions, that while not required in either parts 33 or 23, have potential failure(s) and malfunction(s) that may be catastrophic or unacceptably degrade the airplane level of safety. Examples of the additional functions include thrust management, engine parameter indication, engine speed synchronization, engine torque equalization, etc. Considerations for installation of EEC systems were not envisaged and are not adequately addressed in part 23. Therefore, special conditions are required to define the additional safety standards the Administrator considers necessary to establish a level of safety equivalent to the existing airworthiness standards. Cessna will use an EEC instead of a traditional mechanical control system on the J182T airplane. The J182T, which is a derivative of the T182T currently approved under Type Certificate No. 3A13, is an aluminum, four place, single engine airplane with a cantilever high wing, with the SMA SR305–230E–C1 diesel cycle engine and equipped with an electronic engine control.

The EEC is part 33 certified as part of the engine, and the certification requirements for engine control systems are driven by part 33 requirements. The guidance for the part 33 EEC certification requirement is contained in two advisory circulars: AC 33.28–1 and AC 33.28–2. The EEC certification, as part of the engine, addresses those aspects of the engine specifically addressed by part 33 and is not intended to address part 23 installation requirements. However, the guidance does highlight some of the installation aspects that the engine applicant should consider during engine certification. The installation of an engine with an EEC system requires evaluation of environmental effects and possible effects on or by other airplane systems, including the part 23 installation aspects of the EEC functions. For example, the indirect effects of lightning, radio interference with other airplane electronic systems, and shared engine and airplane data and power sources.

The regulatory requirements in part 23 for evaluating the installation of complex electronic systems are contained in § 23.1309. However, when § 23.1309 was developed, the requirements of the rule excluded powerplant systems as part of the certificated engine (reference § 23.1309(f)(1), amendment No. 23–49). Although the parts of the system that are not certificated with the engine could be evaluated using the criteria of § 23.1309, the analysis would be incomplete because it would not include the effects of the aircraft supplied power and data failures on the engine control system, and the resulting effects on engine power/thrust. The integral nature of EEC installations require review of EEC functionality at the airplane level because behavior acceptable for part 33 certification may not be acceptable for part 23 certification.

The Small Airplane Directorate has applied a Special Condition for over a decade that required all EEC installations to comply with the requirements of §§ 23.1309(a) through (e), amendment No. 23–49. The rationale for applying § 23.1309 was that it was an existing rule that contained the best available requirements to apply to the installation of a complex electronic system; in this case, an electronic engine control with aircraft interfaces. Additionally, Special Conditions for High Intensity Radiated Fields (HIRF) were also applied prior to the codification of § 23.1308.

There are several difficulties for propulsion systems directly complying with the requirements of § 23.1309. There are conflicts between the guidance material for § 23.1309 and propulsion system capabilities and failure susceptibilities. The following figure is an excerpt from AC 23.1309–1E showing the relationship among airplane classes, probabilities, severity of failure conditions, and software and complex hardware Development Assurance Level.

Classification of failure conditions	No safety effect	Minor	Major	Hazardous	Catastrophic
Allowable qualitative probability	No probability requirement	Probable	Remote	Extremely remote	Extremely improbable
Effect on Airplane	No effect on operational capabilities or safety.	Slight reduction in functional capabilities or safety margins.	Significant reduction in functional capabilities or safety margins.	Large reduction in functional capabilities or safety margins.	Normally with hull loss.
Effect on Occupants	Inconvenience for passengers.	Physical discomfort for passengers.	Physical distress to passengers, possibly including injuries.	Serious or fatal injury to an occupant.	Multiple fatalities.
Effect on Flight Crew	No effect on flight crew	Slight increase in workload or use of emergency procedures.	Physical discomfort or a significant increase in workload.	Physical distress or excessive workload impairs ability to perform tasks.	Fatal Injury or incapacitation.
Classes of Airplanes	Allowable Quantitative Probabilities and Software (SW) and Complex Hardware (HW) Development Assurance Levels (Note 2)				
Class I (Typically SRE 6,000 pounds or less).	No Probability or SW and HW Development Assurance Levels Requirement.	$<10^{-3}$ Note 1 P=D	$<10^{-4}$ Notes 1 and 4 P=C, S=D.	$<10^{-5}$ Note 4 P=C, S=D.	$<10^{-6}$ Note 3 P=C, S=C.
Class II (Typically MRE, STE, or MTE 6,000 pounds or less).	No Probability or SW and HW Development Assurance Levels Requirement.	$<10^{-3}$ Note 1 P=D	$<10^{-5}$ Notes 1 and 4 P=C, S=D.	$<10^{-6}$ Note 4 P=C, S=C.	$<10^{-7}$ Note 3 P=C, S=C.

Classification of failure conditions	No safety effect	Minor	Major	Hazardous	Catastrophic
Allowable qualitative probability	No probability requirement	Probable	Remote	Extremely remote	Extremely improbable
Class III (Typically SRE, STE, MRE, and MTE greater than 6,000 pounds).	No Probability or SW and HW Development Assurance Levels Requirement.	$<10^{-3}$ Note 1 P=D	$<10^{-5}$ Notes 1 and 4 P=C, S=D.	$<10^{-7}$ Note 4 P=C, S=C.	$<10^{-8}$ Note 3 P=B, S=C.
Class IV (Typically Commuter Category).	No Probability or SW and HW Development Assurance Levels Requirement.	$<10^{-3}$ Note 1 P=D	$<10^{-5}$ Notes 1 and 4 P=C, S=D.	$<10^{-7}$ Note 4 P=B, S=C.	$<10^{-9}$ Note 3 P=A, S=B.

Note 1: Numerical values indicate an order of probability range and are provided here as a reference.
Note 2: The letters of the alphabet denote the typical SW and HW Development Assurance Levels for Primary System (P) and Secondary System (S). For example, HW or SW Development Assurance Level A on Primary System is noted by P=A.
Note 3: At airplane function level, no single failure will result in a Catastrophic Failure Condition.
Note 4. Secondary System (S) may not be required to meet probability goals. If installed, S should meet stated criteria.

Difference Between Part 23 and Part 33 Guidance, Loss of Thrust or Power Control

There is a conflict between the EEC system loss-of-thrust-control (LOTC), or loss-of-power control (LOPC), probability per hour requirements given in part 33 guidance material and the failure rate requirements associated with the hazard created by a total loss of power/thrust as given in part 23 AC 23.1309–1E guidance. The part 33 requirements for engine control LOTC/LOPC probabilities are shown below:

Engine type	Average LOTC/LOPC events per million hours	Maximum LOTC/LOPC events per million hours
Turbine Engine	10 (1×10^{-05} per hour)	100 (1×10^{-04} per hour).
Reciprocating Engine	45 (4.5×10^{-05} per hour)	450 (4.5×10^{-04} per hour).

Note: See AC 33.28–1, AC 33.28–2 and ANE–1993–33.28TLD–Rl for further guidance.

The part 23 classification of the failure condition for LOTC/LOPC event on a single engine airplane ranges from Hazardous to Catastrophic. The classification of the failure condition for a single engine LOTC/LOPC event on a multi-engine airplane ranges from Major to Catastrophic. The classification of the failure condition for a multi-engine LOTC/LOPC event on a multi-engine airplane is Catastrophic. From the AC 23.1309-lE failure probability values, it is obvious that a single engine airplane electronic engine control system will not be able to meet the failure probabilities as shown in the guidance material for § 23.1309. As a result, applicants have inappropriately declared a reduced hazard severity for a failure of the electronic engine control system. This is not the intent of § 23.1309. The greater hazard severity should be associated with lower probabilities of failure, and higher probabilities of failure should not artificially establish lower hazard severities. There is also a conflict between the classification of the failure condition of an electronic engine control system and the required test levels for the effects of lightning and high intensity radiated frequency (HIRF). Testing to a level lower than required for a catastrophic failure results in a lower level of safety than the mechanical system it replaces. This is contrary to the intent of certification requirements.

Time Limited Dispatch

The advent of electronic engine controls also created the ability to dispatch with certain allowable loss of functionality and/or redundancy. This is known as Time Limited Dispatch (TLD). The TLD allowable configurations must meet the specific risk LOTC/LOPC failure probabilities. FAA Policy Statement, ANE–1993–33.28TLD–Rl, defines the full up and TLD allowable failure probabilities for turbine engines. The ability to use TLD is a risk management endeavor that uses a limited time between inspection/maintenance intervals to mitigate the hazard. As such, the FAA has issued specific guidance for part 23 aircraft in addition to Policy Statement, ANE–1993–33.28TLD–Rl, in order to capture the necessary time limits between maintenance intervals.

Additional Functions

The advent of electronic engine controls also led to incorporating functions that; while not required by the CFRs; also introduce potentially catastrophic failure(s) and malfunction(s). Consequently, incorporation of these additional functions must be shown to retain part 23 safety levels. These additional functions have included thrust management, portions of engine indication otherwise provided as part of the engine installation, engine speed synchronization, ignition control, auto-feather, etc.

Part 25, unlike part 23, does not apply § 25.1309 via special condition to the electronic engine control installation. Section 25.1309 is applicable to the powerplant installations in general and as a whole. The part 25 hazard classifications for LOTC/LOPC differ from part 23 due to the required multi-engine configuration of part 25 aircraft. Additional applicable part 25 subpart E requirements are those contained within § 25.901(b)(2) and (c):

Sec. 25.901—Installation.

a. Rule Text.

(b) For each powerplant—

(2) The components of the installation must be constructed, arranged, and installed so as to ensure their continued safe operation between normal inspections or overhauls;

(c) For each powerplant and auxiliary power unit installation, it must be established that no single failure or malfunction or probable combination of failures will jeopardize the safe operation of the airplane except that the failure of structural elements need not be considered if the probability of such failure is extremely remote.

The following are excerpts from guidance provided in FAA Policy Statement, PS–ANM100–2002–00073:

Section 25.901—Installation.

b. Intent of Rule:

• § 25.901(b)(2) is intended to require such preventative maintenance as is necessary to ensure that components of the powerplant installation do not cease safe functioning.

• § 25.901(c) is intended to define, in general terms, the foreseeable failures that each powerplant and auxiliary power unit installation must be shown to safely accommodate.

(7) § 25.901(c): Section 25.901(c) is intended to provide an overall safety assessment of the powerplant installation. It is intended to augment rather than replace other, more specific applicable Part 25 design and performance standards for transport category airplanes. When assessing the potential hazards to the aircraft caused by the powerplant installation, the effects of an engine case rupture, uncontained engine rotor failure, engine case burnthrough, and propeller debris release are excluded from § 25.901(c). The effects and rates of these failures are minimized by compliance with Part 33 (''Airworthiness Standards: Aircraft Engines''; Part 35 (''Airworthiness Standards: Propellers''; § 25.903(d)(l) (''Engines''; § 25.905(d) (''Propellers''; and § 25.1193 (''Cowling and nacelle skin''. Furthermore, the effects of encountering environmental threats or other operating conditions more severe than those for which the aircraft is certified (such as volcanic ash or operation above placard speeds) need not be considered in the § 25.901(c) compliance process. However, if a failure or malfunction can affect the subsequent environmental qualification or other operational capability of the installation, this effect should be accounted/or in the § 25.901(c) assessment.

(a) Compliance with § 25.901(c) may be shown by a System Safety Assessment (SSA) substantiated by appropriate testing and/or comparable service experience. Such an assessment may range from a simple report that offers descriptive details associated with a failure condition, interprets test results, compares two similar systems, or offers other qualitative information; to a detailed failure analysis that may include estimated numerical probabilities. The depth and scope of an acceptable SSA depends on:

• the complexity and criticality of the functions performed by the system(s) under consideration,

• the severity of related failure conditions,

• the uniqueness of the design and extent of relevant service experience,

• the number and complexity of the identified causal failure scenarios, and

• the detectability of contributing failures.

(b) Historically, the use of a ''bottom-up single failure analysis,'' such as a Failure Modes and Effects Analysis (FMEA), has been a popular safety assessment method with many applicants. Wherever the effects of a failure are found to be operationally ''latent,'' then the effects of the ''next worst'' failure are assessed. In this approach, the ''probable combinations of failures'' are assumed only to be a single latent failure plus ''the next worst'' failure. When assessing the failure effects of a simple mechanical, hydro-mechanical, or electrical system, where independence from the effects of failures elsewhere in the aircraft can be assumed, this can be an effective and relatively simple means of assuring that the design is adequately ''fail-safe.'' However, as the integration and diversity of functions and technologies in the subject design increase, particularly when digital avionics are involved, the resulting increases in complexity, interdependence, and parts count make this ''latents-plus-one'' assumption about the ''probable combinations of failure'' questionable. Consequently, to ensure that the design is ''fail-safe'' for a sufficient number of co-existing failures, probability methods are typically necessary.

(d) In carrying out the SSA for the powerplant installation for § 25.90I(c), the results of the engine (and propeller) failure analyses (reference § 33.28 and § 33.75) should be used as inputs for those powerplant failure effects that can have an impact on the aircraft. However, the SSA undertaken in response to Part 33 and Part 35 may not address all the potential effects that an engine and propeller as installed may have on the aircraft. For those failure conditions covered by analysis under Part 33 and/or Part 35, and for which the installation has no effect on the conclusions derived from these analyses, no additional analyses will be required to demonstrate compliance to § 25.901(c).

There is language similar to § 25.901(c) contained in § 23.1141(e):

§ 23.1141—Powerplant controls: General.

(e) For turbine engine powered airplanes, no single failure or malfunction, or probable combination thereof, in any powerplant control system may cause the failure of any powerplant function necessary for safety.

The requirements contained within § 23.114l(e) were originally intended for the mechanical control interfaces on turbine engines. The rule was first promulgated at amendment 23–7, effective on September 14, 1969. The preamble justifying the rule change states:

This proposal would, in effect require that the need for system redundancy, alternate devices, and duplication of functions be determined in the design of turbine powerplant control systems.

The overall intent of the above cited rules is to provide a robust and fault tolerant engine control installation that ensures that no single failure or malfunction or probable combination of failures will jeopardize the safe operation of the airplane.

Type Certification Basis

Under the provisions of § 21.101, Cessna must show that the model J182T meets the applicable provisions of the regulations incorporated by reference in Type Certificate No. 3A13 or the applicable regulations in effect on the date of application for the change to the model T182T. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' In addition, the J182T certification basis includes special conditions and equivalent levels of safety.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 23) do not contain adequate or appropriate safety standards for the J182T because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the J182T must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in § 11.19, under § 11.38 and they become part of the type certification basis under § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model.

Novel or Unusual Design Features

The J182T will incorporate the following novel or unusual design features: Electronic engine control system.

Discussion

These special conditions address the certification requirements for the installation of Electronic Engine Control (EEC) systems on part 23 airplanes. As described in the background section, the advisory circular and policy guidance between part 33 and part 23 contains differences that can lead to conflicting certification requirements. As such, these special conditions are necessary in order to provide a reasonable means of compliance that removes the conflicts between part 33 and part 23. The intent of these special conditions is to provide a robust and fault tolerant electronic engine control installation that ensures no single failure or malfunction or probable combination of failures will jeopardize the safe operation of the airplane.

Applicability

As discussed above, these special conditions are applicable to the model J182T. Should Cessna apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Cessna Model J182T airplanes.

1. Electronic Engine Control

a. For electronic engine control system installations, it must be established that no single failure or malfunction or probable combinations of failures of Electronic Engine Control (EEC) system components will have an effect on the system, as installed in the airplane, that causes the loss-of-thrust-control (LOTC), or loss-of-power-control (LOPC) probability of the system to exceed those allowed in part 33 certification.

b. Electronic engine control system installations must be evaluated for environmental and atmospheric conditions, including lightning. The EEC system lightning and High-Intensity Radiated Fields (HIRF) effects that result in LOTC/LOPC must be shown to comply with the HIRF and lightning requirements appropriate for catastrophic failure conditions.

c. The components of the installation must be constructed, arranged, and installed so as to ensure their continued safe operation between normal inspections or overhauls.

d. Functions incorporated into any electronic engine control that make it part of any equipment, systems or installation whose functions are beyond that of basic engine control, and which may also introduce system failures and malfunctions, are not exempt from § 23.1309 and must be shown to meet part 23 levels of safety as derived from § 23.1309. Part 33 certification data, if applicable, may be used to show compliance with any part 23 requirements. If part 33 data is to be used to substantiate compliance with part 23 requirements, then the part 23 applicant must be able to provide this data for their showing of compliance.

Note: The term ''probable'' in the context of ''probable combination of failures'' does not have the same meaning as in AC 23.1309–1E. The term ''probable'' in ''probable combination of failures'' means ''foreseeable,'' or (in AC 23.1309–1E terms), ''not extremely improbable.''

Issued in Kansas City, Missouri on May 29, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–13841 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket Nos. FDA–2011–C–0344 and FDA–2011–C–0463]

Listing of Color Additives Exempt From Certification; Reactive Blue 246 and Reactive Blue 247 Copolymers; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is confirming the effective date of May 2, 2013, for the final rule that published in the **Federal Register** of April 1, 2013 (78 FR 19413), and that amended the color additive regulations to provide for the safe use of additional copolymers of 1,4-bis[4-(2-methacryloxyethyl) phenylamino]anthraquinone (C.I. Reactive Blue 246) and copolymers of 1,4-bis[(2-hydroxyethyl)amino]-9,10-anthracenedione bis(2-methyl-2-propenoic)ester (C.I. Reactive Blue 247) as color additives in contact lenses.

DATES: Effective date confirmed: May 2, 2013.

FOR FURTHER INFORMATION CONTACT: *Regarding CAP 1C0291 (C.I. Reactive Blue 246):* Judith Kidwell, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1071. *Regarding CAP 1C0292 (C.I. Reactive Blue 247):* Teresa Croce, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1281.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 1, 2013, we amended the color additive regulations in §§ 73.3100 and 73.3106 (21 CFR 73.3100 and 73.3106), respectively, to provide for the safe use of additional copolymers of 1,4-bis[(2-hydroxyethyl) amino]-9,10-anthracenedione bis(2-methyl-2-propenoic)ester (C.I. Reactive Blue 247) and additional copolymers of 1,4-bis[4-(2-methacryloxyethyl) phenylamino] corrected the nomenclature for Reactive Blue 247 by inserting ''2-methyl'' before ''2-propenoic.''

We gave interested persons until May 1, 2013, to file objections or requests for a hearing. We received no objections or requests for a hearing on the final rule. Therefore, we find that the effective date of the final rule that published in the **Federal Register** of April 1, 2013, should be confirmed.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Office of Food Additive Safety, we are giving notice that no objections or requests for a hearing were filed in response to the April 1, 2013, final rule. Accordingly, the amendments issued thereby became effective May 2, 2013.

Dated: June 18, 2013.

Susan M. Bernard,

Director, Office of Regulations, Policy and Social Sciences, Center for Food Safety and Applied Nutrition.

[FR Doc. 2013–15111 Filed 6–24–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0020]

Safety Zone; Chicago to Mackinac Race; Lake Michigan; Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone on Lake Michigan near Chicago, Illinois for the 105th Race to Mackinac. This zone will be enforced from 2 p.m. until 4:30 p.m. on July 12, and from 9 a.m. until 3 p.m. on July 13, 2013. This action is necessary and intended to ensure safety of life on the navigable waters during the 105th Race to Mackinac. During the aforementioned periods, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port, Lake Michigan.

DATES: The safety zone in 33 CFR 165.929(a)(77) will be enforced from 2 p.m. until 4:30 p.m. on July 12, and from 9 a.m. until 3 p.m. on July 13, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7148, email *joseph.p.mccollum@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone listed in 33 CFR 165.929(a)(77) as well as the general regulations in 33 CFR 165.929, Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone, for the 105th Race to Mackinac. This zone will be enforced from 2 p.m. until 4:30 p.m. on July 12, and from 9 a.m. until 3 p.m. on July 13, 2013.

All vessels must obtain permission from the Captain of the Port, Lake Michigan, or the on-scene representative to enter, move within, or exit a safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port, Lake Michigan, or a designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Lake Michigan. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted on a case by case basis.

This notice is issued under authority of 33 CFR 165.929(a)(77), Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register,** the Coast Guard will provide the maritime community with advance notification of this event via Broadcast Notice to Mariners or Local Notice to Mariners that the regulation is in effect. The Captain of the Port, Lake Michigan, or his or her on-scene representative may be contacted via Channel 16, VHF–FM.

Dated: June 6, 2013.

M.W. Sibley,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2013–15161 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0115]

RIN 1625–AA00

Safety Zone; Fifth Coast Guard District Fireworks Display Cape Fear River; Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the enforcement location of a safety zone for one specific recurring fireworks display in the Fifth Coast Guard District. This regulation applies to only one recurring fireworks event, held adjacent to the Cape Fear River, Wilmington, North Carolina. The fireworks display formerly originated from a location on land but this year will originate from a barge. The safety zone is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the Cape Fear River, Wilmington, North Carolina, during the event.

DATES: This rule will be effective from 5:30 p.m. on July 4, 2013, until 1 a.m. on July 5, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0115]. 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 BOSN4 Joseph M. Edge, Coast Guard Sector North Carolina, Coast Guard; telephone (252) 247–4525, email *Joseph.M.Edge@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 regulation for this fireworks display is located at 33 CFR 165.506, Table to § 165.506, section (d.) line 2. The Coast Guard plans to permanently amend the regulation at 33 CFR 165.506 at a later date to reflect this change.

The Coast Guard is issuing this temporary 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 it is impracticable and immediate action is needed to minimize potential danger to the public during the event. The potential dangers posed by fireworks displays conducted on the Cape Fear River with other vessel traffic makes a safety zone necessary to provide for the safety of participants, spectator craft and

other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. The Coast Guard will issue broadcast notice to mariners to advise vessel operators of navigational restrictions. On scene Coast Guard and local law enforcement vessels will also provide actual notice to mariners.

For the same reasons, 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**. Any delay encountered in this regulation's effective date by waiting for the NPRM comment period to close would be impracticable and contrary to public interest since immediate action is needed to provide for the safety of life and property on navigable waters from the hazardous nature of fireworks including unexpected detonation and burning debris.

B. Basis and Purpose

Recurring fireworks displays are frequently held on or adjacent to the navigable waters within the boundary of the Fifth Coast Guard District. For a description of the geographical area of each Coast Guard Sector or Captain of the Port Zone, please see 33 CFR 3.25.

The regulation listing annual fireworks displays within the Fifth Coast Guard District and safety zones locations is 33 CFR 165.506. The Table to § 165.506 identifies fireworks displays by COTP zone, with the COTP North Carolina zone listed in section ''(d.)'' of the Table.

The Battleship NORTH CAROLINA Commission sponsors an annual fireworks display held on July 4 over the waters of Cape Fear River at Wilmington, North Carolina. The Table to § 165.506, at section (d.) event Number ''2'', describes the enforcement date and regulated location for this fireworks event.

The location listed in the Table has the fireworks display originating from a location, on land, on the north bank of the Cape Fear River at Wilmington, North Carolina. However, this event changes the fireworks launch location on July 4, 2013, to a position on the Cape Fear River at latitude 34°14′17″ N longitude 077°57′11″ W.

A fleet of spectator vessels is anticipated to gather nearby to view the fireworks display. Due to the need for vessel control during the fireworks display vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels. Under provisions of 33 CFR 165.506, during the enforcement period, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

C. Discussion of the Final Rule

The Coast Guard will temporarily suspend the regulation listed in Table to § 165.506, section (d.) event Number 2, and insert this temporary regulation at Table to § 165.506, at section (d.) as event Number ''15'', in order to reflect that the fireworks display will originate from a barge in the Cape Fear River and therefore the regulated area is changed. This change is needed to accommodate the sponsor's event plan. No other portion of the Table to § 165.506 or other provisions in § 165.506 shall be affected by this regulation.

The regulated area of this safety zone includes all water of the Cape Fear River within a 300 yards radius of latitude 34°14′17″ N longitude 077°57′11″ W.

This safety zone will restrict general navigation in the regulated area during the fireworks event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the effective period. The regulated area is needed to control vessel traffic during the event for the safety of participants and transiting vessels.

In addition to notice in the **Federal Register**, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, and marine information broadcasts so mariners can adjust their plans accordingly.

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. Although this regulation restricts access to a small segment of the Cape Fear River, 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. Additionally, this rulemaking changes the regulated area for the Cape Fear River fireworks demonstration for July 4, 2013 only and does not change the permanent regulated area that has been published in 33 CFR 165.506, Table to § 165.506 at portion ''d'' event Number ''2''. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

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. This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the Cape Fear River where fireworks events are being held. This regulation will not have a significant impact on a substantial number of small entities because it will be enforced only during the fireworks display event that has been permitted by the Coast Guard Captain of the Port. The Captain of the Port will ensure that small entities are able to operate in the regulated area when it is safe to do so. In some cases, vessels will be able to safely transit around the regulated area at various times, and, with the permission of the Patrol Commander, vessels may transit through the regulated area. Before the enforcement period, the Coast Guard will issue maritime advisories so mariners can adjust their plans accordingly.

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 establishing a safety zone for a fireworks display launch site and fallout area and is expected to have no impact on the water or environment. This zone is designed to protect mariners and spectators from the hazards associated with aerial fireworks displays. 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 are 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 165.506, amend section (d) Coast Guard Sector North Carolina—COTP Zone in the Table to § 165.506 by—

■ a. Suspending entry 2, ''Cape Fear River, Wilmington, NC, Safety zone,'' from 5:30 p.m. on July 4, 2013, to 1 a.m. on July 5, 2013; and

■ b. Adding entry 15 from 5:30 p.m. on July 4, 2013, to 1 a.m. on July 5, 2013, to read as follows:

§ 165.506 Safety Zones; Fireworks Displays in the Fifth Coast Guard District.

* * * * *

TABLE TO § 165.506

Number	Date	Location	Regulated area
*	*	*	*
(d) Coast Guard Sector North Carolina—COTP Zone			
*	*	*	*
15	July 4–5, 2013	Cape Fear River, Wilmington, NC, Safety Zone.	All waters of the Cape Fear River within a 300 yard radius of the fireworks launch barge in approximate position latitude 34°14′17″ N longitude 077°57′11″.

Dated: May 2, 2013.

A. Popiel,

Captain, U.S. Coast Guard, Captain of the Port Sector North Carolina.

[FR Doc. 2013–15165 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0189]

RIN 1625–AA00

Safety Zone; National Cherry Festival Air Show and Fireworks Display, West Grand Traverse Bay, Traverse City, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones in the Captain of the Port, Sault Sainte Marie zone. These safety zones are intended to restrict vessels from certain portions of water areas within Sector Sault Sainte Marie Captain of the Port zone. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays and aircraft involved in the National Cherry Festival.

DATES: These regulations are effective from 12 p.m. on June 28, 2013, until 11:30 p.m. on July 6, 2013. The Air Show safety zone will be enforced daily from 12 p.m. until 3 p.m. from June 28, 2013, to June 30, 2013. The Fireworks safety zone will be enforced from 10 p.m. until 11:30 p.m. on July 6, 2013.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2013–0189 and are available online by going to *www.regulations.gov,* inserting USCG–2013–0189 in the ''SEARCH'' box, and then clicking ''SEARCH.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email MST1 Thomas Link, U.S. Coast Guard Sector Sault Sainte Marie, telephone 906–253–2443, email at *Thomas.a.link@uscg.mil.* If you have questions on viewing 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
TFR Temporary Final Rule

A. Regulatory History and Information

On May 1, 2013, the Coast Guard published an NPRM in the **Federal Register** (78 FR 25407) regarding two temporary safety zones for the National Cherry Festival fireworks display and air show. At the close of the comment period, no comments were received in response to the NPRM. Additionally, no public meeting was requested and none was held.

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**. The final details for this event were not received by the Coast Guard with sufficient time for a delayed effective period to run before the start of the event. Thus, delaying this rule to wait for a delayed effective period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public from the potential hazards associated with maritime fireworks displays.

B. Basis and Purpose

From June 28 to 30, 2013, the National Cherry Festival in Traverse City, MI will host an air show over the West Arm of Grand Traverse Bay. At the conclusion of the National Cherry Festival on July 6, 2013, fireworks will be launched in Grand Traverse Bay. The Captain of the Port, Sault Sainte Marie has determined that the air show and fireworks display pose various potential hazards to the public, including premature detonations, dangerous projectiles, and falling or burning debris.

With these potential hazards in mind, the Captain of the Port Sault Sainte Marie will be establishing temporary safety zones pursuant to the authority granted in the Ports and Waterways Safety Act (33 U.S.C. § 1221 et seq.)

C. Discussion of Rule

To safeguard against the dangers posed by the National Cherry Festival air show and fireworks display, the Captain of the Port, Sault Sainte Marie has determined that temporary safety zones are necessary. Thus, the Captain of the Port, Sault Sainte Marie will be establishing two safety zones for the air show and fireworks display over the West Arm of Grand Traverse Bay.

The safety zone for the air show will be established on June 28 through the 30, 2013, in a position over West Grand Traverse Bay bounded by a line drawn from 44°46′48″ N, 085°38′18″ W, then southeast to 44°46′30″ N, 085°35′30″ W, then southwest to 44°46′00″ N, 085°35′48″ W, then northwest to 44°46′18″ N, 085°38′18″ W, then back to the point of origin.

The air show safety zone will be effective and enforced daily from 12 p.m. until 3 p.m. on June 28–30, 2013.

A safety zone will be established on 6 July for the National Cherry Festival Fireworks display over West Grand Traverse Bay within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 44°46′12″ N, 085°37′06″ W.

The safety zone for the fireworks will be effective and enforced from 10 p.m. to 11:30 p.m. on July 6, 2013.

Entry into, transiting, or anchoring within the safety zones is prohibited unless authorized by the Captain of the

Port, Sault Sainte Marie, or his on-scene representative. All persons and vessels authorized to enter the safety zones shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene representative. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on numerous statutes or 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, 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 ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this 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.

The safety zones established by this rule will be relatively small and enforced for a relatively short time. Also, the safety zones are designed to minimize their impacts on navigable waters in that vessels may still transit unrestricted portions of the waterways. Under certain conditions, moreover, vessels may still transit through the safety zones when permitted by the Captain of the Port, Sault Sainte Marie. On the whole, the Coast Guard expects minimal impact to mariners from the enforcement of this rule.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. 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.

This rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit around West Grand Traverse Bay, Traverse City, Michigan, between 12:30 p.m. and 3 p.m. on June 28 to June 30, 2013, and from 10 p.m. to 11:30 p.m. on July 6, 2013.

These safety zones will not have a significant economic impact on a substantial number of small entities for the reasons discussed in the *Regulatory Planning* and Review section above.

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** section 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 and, therefore it 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 are available in the docket USCG–2013–0246 where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 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. Chapters 701, 3306, 3703; 50 U.S.C. 191; 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.T09–0189 to read as follows:

§ 165.T09–0189 Safety Zone; National Cherry Festival Air Show and Fireworks Display, West Grand Traverse Bay, Traverse City, MI.

(a) *National Cherry Festival Fireworks Display; Traverse City, MI.* (1) *Location.* All U.S. navigable waters and adjacent shoreline of the West Arm of Grand Traverse Bay within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 44°46′12″ N, 085°37′06″ W [DATUM: NAD 83].

(2) *Effective and enforcement period.* This regulation is effective and will be enforced from 10 p.m. until 11:30 p.m. on July 6, 2013.

(b) *National Cherry Festival Air Show; Traverse City, MI.* (1) *Location.* All U.S. navigable waters of the West Arm of Grand Traverse Bay bounded by a line drawn from 44°46′48″ N, 085°38′18″ W, then southeast to 44°46′30″ N, 085°35′30″ W, then southwest to 44°46′00″ N, 085°35′48″ W, then northwest to 44°46′30″ N, 085°38′30″ W, then back to the point of origin [DATUM: NAD 83].

(2) *Effective and enforcement period.* This regulation is effective and will be enforced from 12 p.m. until 3 p.m. daily from June 28 to 30, 2013.

(i) The Captain of the Port, Sault Sainte Marie may suspend enforcement of the safety zones established under this section.

(ii) The Captain of the Port, Sault Sainte Marie will notify the public of the enforcement and suspension of enforcement of the safety zones established by this section in accordance with 33 CFR 165.7(a). The primary method of notification, however, will be through Broadcast Notice to Mariners and Local Notice to Mariners.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port, Sault Sainte Marie to monitor these safety zones, permit entry into these safety zones, give legally enforceable orders to persons or vessels within these safety zones, or take other actions authorized by the Captain of the Port.

(2) *Public vessel* means a vessel owned, chartered, or operated by the United States or by a State or political subdivision thereof.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie or his on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port, Sault Sainte Marie or his on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port, Sault Sainte Marie is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Sault Sainte Marie to act on his behalf. The on-scene representative of the Captain of the Port, Sault Sainte Marie will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Sault Sainte Marie, or his on-scene representative to obtain permission to do so. The Captain of the Port, Sault Sainte Marie or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Sault Sainte Marie or his on-scene representative.

Dated: June 14, 2013.

S.C. Teschendorf,

Captain, U.S. Coast Guard, Captain of the Port, Sault Sainte Marie.

[FR Doc. 2013–15164 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0449]

Safety Zone; Fireworks Events in Captain of the Port New York Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zones in the Captain of the Port New York Zone on the specified dates and times. This action is necessary to ensure the safety of vessels and spectators from hazards associated with fireworks displays. During the enforcement periods, no person or vessel may enter the safety zone without permission of the Captain of the Port (COTP).

DATES: The regulation for the safety zone described in 33 CFR 165.160 will be enforced on the dates and times listed in the table below.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade Kristopher Kesting, Coast Guard; telephone 718–354–4154, email *Kristopher.R.Kesting@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.160 on the specified dates and times as indicated in Table 1 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69614).

TABLE 1

1. Vicedotcom Fireworks Pier 84, Hudson River Safety Zone 33 CFR 165.160 (5.9)	• Launch site: A barge launch located in approximate position 40°45′56.9″ N, 074°00′25.4″ W (NAD 1983), approximately 380 yards west of Pier 84, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge. • Date: June 20, 2013. • Time: 10:00 p.m.–11:45 p.m.
2. New York Salutes America Fireworks Orchard Beach, the Bronx Safety Zone 33 CFR 165.160 (3.11)	• Launch site: All waters of Long Island Sound in an area bound by the following points: 40°51′43.5″ N, 073°47′36.3″ W, thence to 40°52′12.2″ N, 073°47′13.6″ W, thence to 40°52′02.5″ N, 073°46′47.8″ W, thence to 40°51′32.3″ N, 073°47′09.9″ W (NAD 1983), thence to the point of origin. • Date: June 28, 2013. • Time: 8:50 p.m.–10:10 p.m.

Under the provisions of 33 CFR 165.160, a vessel may not enter the regulated area unless given express permission from the COTP or the designated representative. Spectator vessels may transit outside the regulated area but may not anchor, block, loiter in, or impede the transit of other vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: June 10, 2013.

G. Loebl,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2013–15093 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0452]

RIN 1625–AA00

Safety Zone; South Park Bridge Construction, Lower Duwamish Waterway, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the lower Duwamish Waterway around the South Park Bridge in Seattle, Washington for the re-construction of the bridge. The safety zone is necessary to ensure the safety of the maritime public and workers involved in the bridge construction. The safety zone will prohibit any person or vessel from entering or remaining in the safety zone unless authorized by the Captain of the Port or his Designated Representative.

DATES: This rule is effective from 7 a.m. on July 29, 2013, to 12 p.m. on August 2, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0452]. 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 Lieutenant Junior Grade Nathaniel P. Clinger, Waterways Management Division, Coast Guard Sector Puget Sound, Coast Guard; telephone (206) 217–6045, email *SectorPugetSoundWWM@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 temporary 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 to do so would be impracticable. The Coast Guard did not find out about the need for this safety zone with enough time to issue an NPRM. Delayed promulgation may result in injury or damage to persons and vessels in the lower Duwamish waterway from the hazards associated with the bridge construction.

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 until 30 days after publication would be impracticable and contrary to the public interest, as this delay would eliminate the safety zone's effectiveness and usefulness in protecting persons, property, and the safe navigation of maritime traffic during the 30-day period.

B. Basis and Purpose

Kiewit Massman notified the Coast Guard of its intentions to set up a bridge leaf for the South Park Bridge construction project, beginning on July 29, 2013. This process requires the use of a crane mounted on a barge. The barge will fully block the Duwamish channel. The duration of the safety zone for this construction is necessary to provide construction crews the proper time needed to fully bolt and connect the leaf section of the bridge to the pier

prior to removing the crane mounted barge.

C. Discussion of the Temporary Final Rule

The Coast Guard is establishing a safety zone encompassing all waters on the Lower Duwamish Waterway within 250 yards of the South Park Bridge, which is located by the following points: 47°31′45.4″ N, 122°18′51.2″ W.

Vessels wishing to enter the zone must request permission for entry by contacting the Joint Harbor Operations Center at 206–217–6001, or the on-scene patrol craft via VHF–FM Ch 13. If permission for entry is able to be granted vessels must proceed at a minimum speed for safe navigation.

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. This rule is not a significant regulatory action as it is limited in size and duration.

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. This safety zone will not have a significant economic impact on a substantial number of small entities because the zone established in this rule is limited in size and duration.

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 temporary safety zone. 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 are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and Record Keeping Requirements, Security Measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 2. Add § 165.T13–249 to read as follows:

§ 165.T13–249 Safety Zone; South Park Bridge Construction, Lower Duwamish Waterway, Seattle, WA.

(a) *Location.* The following area is designated as a safety zone: All waters on the Lower Duwamish Waterway within 250 yards of the South Park Bridge located by the following points: 47° 31′45.4″ N, 122° 18′51.2″ W.

(b) *Regulations.* In accordance with the general regulations in 33 CFR 165, Subpart C, vessels wishing to enter the zone must request permission for entry by contacting the Joint Harbor Operation Center at 206–217–6001 or the on-scene patrol craft on VHF–FM CH13. Once permission for entry is granted vessels must proceed at a minimum speed for safe navigation.

(c) This rule is effective from 7 a.m. on July 29, 2013, to 12 p.m. on August 2, 2013, unless cancelled sooner by the Captain of the Port.

Dated: June 4, 2013.

S.J. Ferguson,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2013–15098 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0482]

RIN 1625–AA87

Security Zone; Naval Exercise; Pacific Ocean, Coronado, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone in the vicinity of Naval Anchorage 172, offshore of Silver Strand Beach, Coronado, CA. This security zone is to restrict vessels to a 1000 yard exclusion zone and a 1500 yard minimum speed zone from an anchored naval high value unit vessel during a Naval exercise, which will be conducted by the United States Navy. This temporary security zone is necessary to protect the public from the hazards associated with this evolution.

DATES: This rule will be enforced with actual notice from 12:01 a.m. on June 8, 2013, until June 25, 2013. This rule is effective in the Code of Federal Regulations from June 25, 2013, until 11:59 p.m. on July 3, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0482]. 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 Lieutenant John Bannon, Chief Waterways Management, U.S. Coast Guard Sector San Diego; Coast Guard; telephone 619–278–7267, email *John.E.Bannon@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 an NPRM would have been impracticable. Logistical details surrounding this exercise were not finalized nor presented to the Coast Guard in time to draft and publish an NPRM as well as the sensitive nature of the cargo handled and security of a national high value unit and not alerting the public in greater detail to the exercise dates, times, and location.

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.** An NPRM would be impracticable and contrary to the public interest because details of this exercise were not known in time and immediate action is needed to ensure public safety due to the nature of the operation.

B. Basis and Purpose

The United States Navy will lead a naval exercise offshore of Silver Strand, Coronado at Naval Anchorage 172. This temporary security zone is necessary to ensure non-authorized vessels remain safely away from naval operations by keeping clear of the restricted area during the proposed 26-day exercise. The Naval Vessel Protection Zone provides for security of naval vessels, however an increased secure zone is necessary due to the nature of the operation. Should operations end before the final proposed exercise date, the temporary security will end also.

C. Discussion of the Final Rule

The Coast Guard is establishing this temporary security zone that would be enforced from 12:01 a.m. on June 8, 2013, through 11:59 p.m. on July 3, 2013. The limits of the security zone will encompass all waters within a 1000 yard exclusion zone and a 1500 yard minimum speed zone from the United States Naval vessels. This security zone is necessary to ensure non-authorized

personnel and vessels remain safe by keeping clear of the hazardous area during the naval operations. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this security zone unless authorized by the Captain of the Port, or his designated 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 rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This determination is based on the size and location of the security zone. Recreational vessels will not be allowed to transit through the designated security zone during the specified times, however ample space to maneuver and use the waterway around the anchorage zone exists. This portion of the waterway is administered by the U.S. Navy for anchorage use and naval exercises are historically common in the vicinity of shoreside Naval bases. The limited access area will only be enforced as long as the operation is ongoing. Should operations end before the final proposed exercise date, the temporary security will end also.

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. Vessel traffic can pass safely around the security zone.

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 temporary security zone to support the security of a naval vessel. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Categorical Exclusion Determination and environmental checklist are 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 temporary § 165.T11–577 to read as follows:

§ 165.T11–577 Security Zone; Naval Exercise; Pacific Ocean, Coronado, CA.

(a) *Location.* The limits of the security zone will encompass all waters within a 1000 yard exclusion zone and a 1500 yard minimum speed zone from the United States Naval vessels at the Naval Anchorage 172 approximate position: 32°38′30.8″ N, 117°11′30.0″ W.

(b) *Enforcement Period.* This section will be enforced from 12:01 a.m. on June 8, 2013 through 11:59 p.m. on July 3, 2013. If the operation is concluded prior to the scheduled termination time, the Captain of the Port will cease enforcement of this security zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *designated representative,* means any commissioned, warrant, or petty officers of the Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this security zone is prohibited unless authorized by the Captain of the Port of San Diego or the designated U.S. Navy representative.

(2) Mariners requesting permission to transit through the security zone may request authorization to do so from the Naval Vessel at anchorage, U.S. Naval security team or from the Coast Guard Sector San Diego Joint Harbor Operations Center.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: June 7, 2013.

S.M. Mahoney,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2013–15162 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 1, 2, 21, 35, 52, 59, 60, 61, 62, 63, 65, 82, 147, 282, 374, 707, and 763

[EPA–R07–OAR–2013–0410; FRL–9825–5]

Change of Address for Region 7; Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: EPA is amending its regulations to reflect a change in address for EPA's Region 7 office. This action is editorial in nature and is intended to provide accuracy and clarity to the Agency's regulations.

DATES: This final rule is effective June 25, 2013.

FOR FURTHER INFORMATION CONTACT: Jan Simpson, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7089, or by email at *simpson.jan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

EPA is amending its regulations in 40 CFR parts 1, 2, 21, 35, 52, 59, 60, 61, 62, 63, 65, 82, 147, 282, 374, 707 and 763 to reflect a change in the address for EPA's Region 7 office. This technical amendment merely updates and corrects the address for EPA's Region 7 office. EPA has determined that today's rule falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the thirty day delayed effective date otherwise provided for in the APA). Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment is ''unnecessary'' and ''contrary to the public interest'' since the address for Region 7 has changed and immediate notice in the CFR benefits the public by updating citations.

II. Statutory and Executive Order Reviews

This final rule implements technical amendments to 40 CFR parts 1, 2, 21, 35, 52, 59, 60, 61, 62, 63, 65, 82, 147, 282, 374, 707 and 763 to reflect a change in the address for EPA's Region 7 office. It does not otherwise impose or amend any requirements. Consequently, under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. The rule would not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Because this action is merely editorial in nature, the Administrator certifies that it would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule 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).

This action does not have Federalism implications because it would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). Additionally, it does not have Tribal implications 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This rule also is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). It does not involve any technical standards that require the Agency's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995, Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Finally, it does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

III. Congressional Review Act

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 of the CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA, if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated earlier, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of August 11, 2011. 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 1

Environmental protection, Organization and functions (Government agencies).

40 CFR Part 2

Environmental protection, Administrative practice and procedure, Confidential business information, Courts, Freedom of information, Government employees.

40 CFR Part 21

Environmental protection, Administrative practice and procedure, Small businesses, Water pollution control.

40 CFR Part 35

Environmental protection, Air pollution control, Coastal zone, Grant programs—environmental protection, Grant programs—Indians, Hazardous waste, Indians, Intergovernmental relations, Pesticides and pests, Reporting and recordkeeping requirements, Technical assistance, Waste treatment and disposal, Water pollution control, Water supply.

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.

40 CFR Part 59

Environmental protection, Air pollution control, Confidential business information, Labeling, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Ammonium sulfate plants, Batteries, Beverages, Carbon monoxide, Cement industry, Chemicals, Coal, Copper, Dry cleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Heaters, Household appliances, Insulation, Intergovernmental relations, Iron, Labeling, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Polymers, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Sulfuric acid plants, Tires, Urethane, Vinyl, Volatile organic compounds, Waste treatment and disposal, Zinc.

40 CFR Part 61

Environmental protection, Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Mercury, Radionuclides, Radon, Reporting and recordkeeping requirements, Uranium, Vinyl chloride.

40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfuric acid plants, Waste treatment and disposal.

40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 65

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Exports, Government procurement, Imports, Labeling, Reporting and recordkeeping requirements.

40 CFR Part 147

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

40 CFR Part 282

Environmental protection, Hazardous substances, Insurance, Intergovernmental relations, Oil pollution, Surety bonds, Water pollution control, Water supply.

40 CFR Part 374

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Hazardous waste, Natural resources, Superfund, Water pollution control, Water supply.

40 CFR Part 707

Environmental protection, Chemicals, Environmental protection, Exports, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 763

Environmental protection, Administrative practice and procedure, Asbestos, Confidential business information, Environmental protection, Hazardous substances, Imports, Intergovernmental relations, Labeling, Occupational safety and health, Reporting and recordkeeping requirements, Schools.

Dated: June 6, 2013.

Karl Brooks,

Regional Administrator, Region 7.

40 CFR parts 1, 2, 21, 35, 52, 59, 60, 61, 62, 63, 65, 82, 147, 282, 374, 707, and 763 are amended as follows:

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

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

Authority: 5 U.S.C. 552.

Subpart A—Introduction

■ 2. Section 1.7 is amended by revising paragraph (b)(7) to read as follows:

§ 1.7 Location of principal offices.

* * * * *

(b) * * *

(7) Region 7, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. (Iowa, Kansas, Missouri, and Nebraska.)

* * * * *

PART 2—PUBLIC INFORMATION

■ 3. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552 (as amended), 553; secs. 114, 205, 208, 301, and 307, Clean Air Act, as amended (42 U.S.C. 7414, 7525, 7542, 7601, 7607); secs. 308, 501 and 509(a), Clean Water Act, as amended (33 U.S.C. 1318, 1361, 1369(a)); sec. 13, Noise Control Act of 1972 (42 U.S.C. 4912); secs. 1445 and 1450, Safe Drinking Water Act (42 U.S.C. 300j–4, 300j–9); secs. 2002, 3007, and 9005, Solid Waste Disposal Act, as amended (42 U.S.C. 6912, 6927, 6995); secs. 8(c), 11, and 14, Toxic Substances Control Act (15 U.S.C. 2607(c), 2610, 2613); secs. 10, 12, and 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136h, 136j, 136w); sec. 408(f), Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 346(f)); secs. 104(f) and 108, Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1414(f), 1418); secs. 104 and 115, Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9604 and 9615); sec. 505, Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2005).

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

■ 4. Section 2.101 is amended by revising paragraph (a)(7) to read as follows:

§ 2.101 Where requests for records are to be filed.

(a) * * *

(7) Region VII (IA, KS, MO, NE): EPA, Freedom of Information Officer, 11201 Renner Boulevard, Lenexa, Kansas 66219; email: *r7foia@epa.gov*. *http://www.epa.gov/region07/citizens/foia/index.htm*, *https://foiaonline.regulations.gov/foia/action/public/home*.

PART 21—SMALL BUSINESS

■ 5. The authority citation for part 21 continues to read as follows:

Authority: 15 U.S.C. 636, as amended by Pub. L. 92–500.

■ 6. Section 21.3 is amended by revising the entry for Region VII in the table in paragraph (a) to read as follows:

§ 21.3 Submission of applications.

(a) * * *

Region	Address	State
*	*	*
VII	Regional Administrator, EPA Region VII, 11201 Renner Boulevard, Lenexa, Kansas 66219.	Iowa, Kansas, Missouri, and Nebraska.
*	*	*

* * * * *

PART 35—STATE AND LOCAL ASSISTANCE

■ 7. The authority citation for part 35 continues to read as follows:

Authority: 42 U.S.C. 4368b, unless otherwise noted.

Subpart M—Grants for Technical Assistance

■ 8. Section 35.4275 is amended by revising paragraph (g) to read as follows:

§ 35.4275 Where can my group get the documents this subpart references (for example, OMB circulars, other subparts, forms)?

* * * * *

(g) TAG Coordinator or Grants Office, U.S. EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart A—General Provisions

■ 10. Section 52.02 is amended by revising paragraph (d)(2)(vii) to read as follows:

§ 52.02 Introduction.

* * * * *

(d) * * *

(2) * * *

(vii) Iowa, Kansas, Missouri, and Nebraska. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

■ 11. Section 52.16 is amended by revising paragraph (b)(7) to read as follows:

§ 52.16 Submission to Administrator.

* * * * *

(b) * * *

(7) Iowa, Kansas, Missouri, and Nebraska. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

Subpart Q—Iowa

■ 12. Section 52.820 is amended by revising paragraph (b)(3) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(b) * * *

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; at EPA Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Avenue NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (800) 223–0425 or (913) 551–7122; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

* * * * *

Subpart R—Kansas

■ 13. Section 52.870 is amended by revising paragraph (b)(3) to read as follows:

§ 52.870 Identification of plan.

* * * * *

(b) * * *

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; at EPA Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Avenue NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (800) 223–0425 or (913) 551–7122; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

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Subpart AA—Missouri

■ 14. Section 52.1320 is amended by revising paragraph (b)(3) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(b) * * *

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; at EPA Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Avenue NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (800) 223–0425 or (913) 551–7122; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

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Subpart CC—Nebraska

■ 15. Section 52.1420 is amended by revising paragraph (b)(3) to read as follows:

§ 52.1420 Identification of Plan.

* * * * *

(b) * * *

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; at EPA Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Avenue NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (800) 223–0425 or (913) 551–7122; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

* * * * *

PART 59—NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR CONSUMER AND COMMERCIAL PRODUCTS

■ 16. The authority citation for part 59 continues to read as follows:

Authority: 42 U.S.C. 7414 and 7511b(e).

Subpart B—National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings

■ 17. Section 59.107 is amended by revising the address for Region VII to read as follows:

§ 59.107 Addresses of EPA Regional Offices.

* * * * *

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

Subpart C—National Volatile Organic Compound Emission Standards for Consumer Products

■ 18. Section 59.210 is amended by revising the address for Region VII to read as follows:

§ 59.210 Addresses of EPA Regional Offices.

* * * * *

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

Subpart D—National Volatile Organic Compound Emission Standards for Architectural Coatings

■ 19. Section 59.409 is amended by revising the address for Region 7 in paragraph (a) to read as follows:

§ 59.409 Addresses of EPA Offices.

(a) * * *

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

Subpart E—National Volatile Organic Compound Emission Standards for Aerosol Coatings

■ 20. Section 59.512 is amended by revising the address for Region VII to read as follows:

§ 59.512 Addresses of EPA regional offices.

* * * * *

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 21. The authority citation for part 60 continues to read as follows:

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

Subpart A—GENERAL PROVISIONS

■ 22. Section 60.4 is amended by revising the address for Region VII in paragraph (a) to read as follows:

§ 60.4 Address.

(a) * * *

Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

■ 23. The authority citation for part 61 continues to read as follows:

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

Subpart A—General Provisions

■ 24. Section 61.04 is amended by revising the address for Region VII in paragraph (a) to read as follows:

§ 61.04 Address.

(a) * * *

Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 25. The authority citation for part 62 continues to read as follows:

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

Subpart A—General Provisions

■ 26. Section 62.10 is amended by revising the seventh entry for Region VII address in the table to read as follows:

§ 62.10 Submission to Administrator.

* * * * *

Region and jurisdiction covered	Address
*	*
VII—Iowa, Kansas, Missouri, Nebraska	Air and Waste Management Division 11201 Renner Boulevard, Lenexa, Kansas 66219.
*	*

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 27. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

■ 28. Section 63.13 is amended by revising the address for Region VII in paragraph (a) to read as follows:

§ 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

(a) * * *

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

PART 65—CONSOLIDATED FEDERAL AIR RULE

■ 29. The authority citation for part 65 continues to read as follows:

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

Subpart A—General Provisions

■ 30. Section 65.14 is amended by revising the address for Region VII in paragraph (a) to read as follows:

§ 65.14 Addresses.

(a) * * *

Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 31. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart B—Servicing of Motor Vehicle Air Conditioners

■ 32. Section 82.42 is amended by revising paragraph (a)(1)(iii)(G) to read as follows:

§ 82.42 Certification, recordkeeping and public notification requirements.

(a) * * *

(1) * * *

(iii) * * *

(G) Owners or lessees of recycling or recovery equipment having their places of business in Iowa, Kansas, Missouri, Nebraska must send their certifications to: CAA section 609 Enforcement Contact; EPA Region 7; Mail Code APCO/APDB/ACES; 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

Subpart F—Recycling and Emissions Reduction

■ 33. Section 82.162 is amended by revising the introductory text of paragraph (a)(5), and the address for Region VII in paragraph (a)(5), to read as follows:

§ 82.162 Certification by owners of recovery and recycling equipment.

(a) * * *

(5) The certification must also include a statement that the equipment will be properly used in servicing or disposing of appliances and that the information given is true and correct. Owners or lessees of recycling or recovery equipment having their places of business in:

* * *

Iowa, Kansas, Missouri, Nebraska must send their certifications to: CAA section 609 Enforcement Contact; EPA Region 7; Mail Code AWMD/APCO/

ACES; 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

PART 147—STATE, TRIBAL, AND EPA-ADMINISTERED UNDERGROUND INJECTION CONTROL PROGRAMS

■ 34. The authority citation for part 147 continues to read as follows:

Authority: 42 U.S.C. 300h *et seq.;* and 42 U.S.C. 6901 *et seq.*

Subpart R—Kansas

■ 35. Section 147.850 is amended by revising paragraph (a) introductory text to read as follows:

§ 147.850 State administered program—Class I, III, IV and V wells.

* * * * *

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Kansas. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Kansas Department of Health and Environment, Charles Curtis State Office Building, 1000 SW. Jackson, Topeka, Kansas 66612. Copies may be inspected at EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

* * * * *

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

■ 36. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

Subpart A—General Provisions

■ 37. Section 282.2 is amended by revising paragraph (b)(7) to read as follows:

§ 282.2 Incorporation by reference.

* * * * *

(b) * * *

(7) Region 7 (Iowa, Kansas, Missouri, Nebraska); 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

PART 374—PRIOR NOTICE OF CITIZEN SUITS

■ 38. The authority citation for part 347 continues to read as follows:

Authority: 42 U.S.C. 9659.

■ 39. Section 374.6 is amended by revising the address for Region VII to read as follows:

§ 374.6 Addresses.

* * * * *

Regional Administrator, Region VII, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219.

* * * * *

PART 707—CHEMICAL IMPORTS AND EXPORTS

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

Authority: 15 U.S.C. 2611(b) and 2612.

Subpart B-General Import Requirements and Restrictions

■ 41. Section 702.20 is amended by revising the address for Region VII in paragraph (c)(2)(ii) to read as follows:

§ 707.20 Chemical substances import policy.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

Region VII

11201 Renner Boulevard, AWMD/WEMM, Lenexa, Kansas 66219

* * * * *

PART 763—ASBESTOS

■ 42. The authority citation for part 763 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607(c), 2643, and 2646.

Subpart E—Asbestos Containing Materials in Schools

■ 43. Appendix C to Subpart E is amended by revising the address for Region VII under II.C.3. to read as follows:

Appendix C to Subpart E of Part 763—Asbestos Model Accreditation Plan

* * * * *

II. * * *

C. * * *

3. * * *

EPA, Region VII, (WWPD/TOPE), Asbestos Coordinator, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. (800) 223–0425 or (913) 551–7122.

■ 44. Appendix D to Subpart E is amended by revising the address for Region VII to read as follows:

Appendix D to Subpart E of Part 763—Transport and Disposal of Asbestos Waste

* * * * *

Region VII

Asbestos NESHAPs Contact, Air and Waste Management Division, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219. (800) 223–0425 or (913) 551–7122.

* * * * *

[FR Doc. 2013–15039 Filed 6–24–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–8287]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

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

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

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

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR Part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

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

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region I				
Massachusetts: Agawam, Town of, Hampden County	250133	June 25, 1973, Emerg; February 1, 1978, Reg; July 16, 2013, Susp.	July 16, 2013	July 16, 2013
Brimfield, Town of, Hampden County ...	250135	N/A, Emerg; November 9, 1998, Reg; July 16, 2013, Susp.	.....do	Do.
Chester, Town of, Hampden County	250136	December 18, 1984, Emerg; December 18, 1984, Reg; July 16, 2013, Susp.	.....do	Do.
Chicopee, City of, Hampden County	250137	January 14, 1974, Emerg; September 29, 1978, Reg; July 16, 2013, Susp.	.....do	Do.
East Longmeadow, Town of, Hampden County.	250138	March 3, 1975, Emerg; September 15, 1978, Reg; July 16, 2013, Susp.	.....do	Do.
Granville, Town of, Hampden County ...	250139	August 12, 2008, Emerg; April 1, 2011, Reg; July 16, 2013, Susp.	.....do	Do.
Hampden, Town of, Hampden County ..	250140	September 6, 1974, Emerg; November 15, 1978, Reg; July 16, 2013, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Holland, Town of, Hampden County	250141	July 18, 1975, Emerg; July 5, 1984, Reg; July 16, 2013, Susp.	.....do	Do.
Holyoke, City of, Hampden County	250142	May 20, 1974, Emerg; August 15, 1979, Reg; July 16, 2013, Susp.	.....do	Do.
Longmeadow, Town of, Hampden County.	250143	August 8, 1975, Emerg; September 1, 1978, Reg; July 16, 2013, Susp.	.....do	Do.
Ludlow, Town of, Hampden County	250144	October 17, 1974, Emerg; May 19, 1981, Reg; July 16, 2013, Susp.	.....do	Do.
Monson, Town of, Hampden County	250145	May 1, 1975, Emerg; June 1, 1981, Reg; July 16, 2013, Susp.	.....do	Do.
Palmer, Town of, Hampden County	250147	June 20, 1975, Emerg; November 4, 1981, Reg; July 16, 2013, Susp.	.....do	Do.
Russell, Town of, Hampden County	250148	August 8, 1975, Emerg; December 15, 1990, Reg; July 16, 2013, Susp.	.....do	Do.
Southwick, Town of, Hampden County	250149	December 29, 1975, Emerg; July 16, 1984, Reg; July 16, 2013, Susp.	.....do	Do.
Springfield, City of, Hampden County	250150	February 9, 1973, Emerg; February 1, 1980, Reg; July 16, 2013, Susp.	.....do	Do.
Wales, Town of, Hampden County	250152	August 11, 1975, Emerg; July 2, 1981, Reg; July 16, 2013, Susp.	.....do	Do.
West Springfield, Town of, Hampden County.	250155	December 30, 1971, Emerg; September 30, 1977, Reg; July 16, 2013, Susp.	.....do	Do.
Westfield, City of, Hampden County	250153	May 10, 1973, Emerg; May 1, 1978, Reg; July 16, 2013, Susp.	.....do	Do.
Wilbraham, Town of, Hampden County	250154	August 21, 1975, Emerg; March 1, 1979, Reg; July 16, 2013, Susp.	.....do	Do.
Region V				
Minnesota: Redwood County, Unincorporated Areas	270644	May 23, 1974, Emerg; December 4, 1985, Reg; July 16, 2013, Susp.	.....do	Do.
Redwood Falls, City of, Redwood County.	270393	May 13, 1975, Emerg; June 22, 1984, Reg; July 16, 2013, Susp.	.....do	Do.
Sanborn, City of, Redwood County	270394	July 22, 1975, Emerg; July 3, 1985, Reg; July 16, 2013, Susp.	.....do	Do.
Seaforth, City of, Redwood County	270602	N/A, Emerg; February 9, 2011, Reg; July 16, 2013, Susp..	.....do	Do.

* -do- = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: June 7, 2013.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–15167 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 203, 204, 205, 209, 211, 212, 215, 216, 219, 223, 225, 226, 227, 229, 232, 237, 243, 244, 246, 247, and 252

RIN 0750–AH63

Defense Federal Acquisition Regulation Supplement: Solicitation Provisions and Contract Clauses for Acquisition of Commercial Items (DFARS Case 2011–D056)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to simplify prescriptions for provisions and clauses that are applicable to the acquisition of commercial items and to specify flowdown of clauses to commercial subcontracts.

DATES: *Effective Date:* June 25, 2013.

FOR FURTHER INFORMATION CONTACT: Amy Williams, Telephone 571–372–6106.

SUPPLEMENTARY INFORMATION:

I. Background

DoD published a proposed rule at 77 FR 20601 on April 5, 2012, revising the Defense Federal Acquisition Regulation Supplement (DFARS) to support the use of automated contract writing systems. The clause at DFARS 252.212–7001 requires the contracting officer to ''check a box'' to identify the clauses that are applicable to each commercial item acquisition. This requirement is not compatible with most automated contract writing systems. Section 8002 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355) requires that the regulations shall contain a list

of contract clauses to be included in contracts for the acquisition of commercial end items. Each time a clause or clause alternate is added, DoD must consider whether the clause or clause alternate will be applicable to commercial items. The law does not require that this list be in the form of a clause, requiring clause dates for each applicable clause, which requires revision every time a clause on the list is modified.

Furthermore, clause flowdown to commercial subcontracts is controlled by paragraph (c) of the clause 252.212–7001 for commercial contracts under FAR part 12 and clause 252.244–7000 for contracts for noncommercial items. These lists of clauses that require flowdown to commercial subcontracts likewise require update every time a clause on the list is modified.

II. Discussion and Analysis

Four respondents submitted comments on the proposed rule. The following is a discussion of the comments and the changes made to the rule as a result of those comments.

A. Summary of significant changes from the proposed rule

DoD has amended the final rule by adding a statement after the prescriptions for the provisions covered under DFARS 252.204–7007, Alternate A, Annual Representations and Certifications, that the individual provisions therein should not be included separately if the clause at FAR 52.204–7 is included in the solicitation (see section II.B.3. of this preamble). DoD did not make any other significant changes from the proposed rule.

B. Analysis of public comments

1. Consolidation at DFARS 212.301 of provisions and clauses required for the acquisition of commercial items

a. General

Several respondents commented on the consolidation at DFARS 212.301 of provisions and clauses required for the acquisition of commercial items.

Comment: One respondent applauded the revised DFARS 212.301 listing of 58 provisions and clauses for the acquisition of commercial items at the prime contract level.

Response: Noted.

Comment: One respondent wanted to know if DFARS 252.212–7001 is deleted, how does DoD plan to legally incorporate the requirements of the provisional DFARS 212.301(f) in a solicitation or contract without it being a DFARS Part 252 clause? Similarly, another respondent asked how offerors and contractors will know what clauses the contracting officer considers to be relevant to a particular solicitation/contract, without the current structure of the contracting officer marking the applicable clauses?

Response: All commercial item clauses authorized for use will be listed at DFARS 212.301(f), and will be individually included in the solicitation and contract only when applicable to that particular acquisition. These clauses are added either in full text or incorporated by reference to legally incorporate their requirements into the solicitation and resultant contract. This is currently done in the same way for the other provisions and clauses listed in DFARS 212.301(f).

Section 8002 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) requires that the regulations contain a list of contract clauses applicable to commercial acquisitions. The list is currently split into the following three locations: DFARS provision 252.212–7000; DFARS clause 252.212–7001; and DFARS 212.301(f).

With the issuance of this final rule under DFARS rule 2011–D056, the list of clauses applicable to commercial item acquisitions is now wholly contained in DFARS 212.301(f).

The approach in this final rule makes clause listings more closely mirror the way clauses are listed for non-commercial contracts. Offerors only need to read the clause number and title in a list outside of 252.212–7001 as opposed to within paragraph (a) or (b) of 252.212–7001 to review the clauses that are being legally incorporated into the solicitation.

Comment: According to one respondent, by eliminating DFARS 252.212–7001 to save time and money on the part of the automated contract writing systems, DoD has now created a myriad of issues that can only be addressed by spending countless additional time on the part of the USG and contractor to differentiate the applicability of each clause to any particular solicitation/contract.

Response: This approach should not cause any additional time for either the Government or the offerors/contractors. As already stated, commercial item clauses authorized for use will be listed at DFARS 212.301(f) and, when applicable to a particular solicitation and contract, they will be individually included in the solicitation and contract. Offerors/contractors will only need to read and review the clause numbers and titles that are incorporated in the solicitation/contract. This proposed approach should only save time on the part of the U.S. Government in selecting clauses, because now the contracting officer has to manually check boxes, and if using an automated system, the system can help the contracintg officer determine which clauses are applicable and then automatically include them in the solicitation/contract. The applicability of any clause in a commercial acquisition will be clear, and distinguished by whether or not it is listed individually within that solicitation/contract.

Comment: One respondent asserted that revising DFARS 212.301(f) to incorporate a clause currently included under 252.212–7001, would take away a contracting officer's discretion to add and subtract clauses as necessary.

Response: As in the proposed rule, the final rule states ''as prescribed'' in each paragraph at DFARS 212.301(f) to indicate to the contracting officer whether or not to insert a provision or clause in the solicitation. The contract writing system does not automatically incorporate all clauses listed at 212.301(f) into all prime commercial item contracts.

b. Inclusion of Specific Clauses at 212.301

Comment: One respondent stated that DFARS Clause 252.227–7013, Rights in Technical Data-Noncommercial Items, by its nature and title does not belong in a commercial item contract. The respondent asserted that the two scenarios in the guidelines at 227.7103–6(a) for the insertion of 252.227–7013 will never materialize, i.e., the successful offeror(s) on a commercial item contract will never be required to deliver to the Government technical data pertaining to—

- Noncommercial items; or
- Commercial items for which the Government will have paid for any portion of the development costs.

Response: DoD does occasionally procure altered commercial items, or articles embodying commercial items, that are based on a commercial design. On those occasions, the otherwise commercial item design needs to be adapted for some additional Government-specific characteristics. Since these changes will be paid for at Government expense, it means that both the 252.227–7015 clause, for wholly privately-funded parts, and the 252.227–7013 clause, for parts funded in part by the Government, would be inserted.

Comment: One respondent asserted that there was no justification for the inclusion of several additional provisions/clauses into 212.301(f)

because they do not meet the statutory criteria of being a ''provision of law or Executive Order'' or ''standard commercial practice.'' The respondent also questioned clauses that were already listed in 212.301(f).

Response: The rule consolidates provisions and clauses into one list at 212.301(f) that were previously scattered throughout the DFARS. Each one of the provisions/clauses newly incorporated is required by statute or Executive Order, as indicated in the list at 212.301(f). All clauses listed within DFARS 212.301(f) have been approved for inclusion by the Director of DPAP in accordance with FAR 12.301(f) and have been cleared by OIRA. Questioning previously incorporated clauses is outside the scope of this case.

2. Flowdown of Clauses to Subcontracts for the Acquisition of Commercial Items

a. General

Comment: One respondent suggested revising DFARS 252.244–7000 to delete all prime contractor discretionary provision/clause flowdown authority due to excessive practice by the primes to flowdown any and all clauses to satisfy its contractual obligations.

Response: DoD has retained in the final rule the language at 252.244–7000(b), which is the same as FAR 52.244–6(c)(2), in order to allow the prime contractor the necessary discretion to flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

b. Specific Clause Flowdown Requirements

Comment: One respondent commented that if the automated contract writing system ''automatically'' inserts clause 252.227–7013, then the prime contractor will be forced to flowdown –7013 into any commercial item subcontract.

Response: Flowdown applicability of the clause is spelled out in 252.227–7013(k)(2), which stipulates to flowdown the clause *only when* a commercial item is developed in any part at Government expense . . . ''

Comment: One respondent asserts that by enacting the Federal Acquisition Streamlining Act (FASA) of 1994, Congress established a high bar for clauses that that may be applicable to subcontracts for commercial items. According to the respondent, there is no justification for flowdown of such clauses as DFARS 252.236–7013, Requirement for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers.

Response: This clause is prescribed for use in construction contracts (which cannot be acquired using part 12 procedures). The statute requires flowdown to subcontracts that involve the acquisition of steel as a construction material (generally a commercial item). This clause is not imposing a burden on the commercial subcontractors. Rather, it is requiring that American steel producers, fabricators, and manufacturers be allowed an opportunity to compete. This requirement is not new and is currently contained in the present 252.244–7000 clause.

Justification of pre-existing flowdown requirements is outside the scope of this case, but each such requirement was approved by DPAP and cleared by OIRA to implement statute, Executive order, or DoD policy.

3. Prescriptions for Clauses Included in 252.204–7007 (Annual Representations and Certifications)

Comment: One respondent stated that some provision prescriptions conflict with DFARS 204.1202(2), which says not to include the provisions listed therein in solicitations that include the provision 52.204–8, Annual Representations and Certifications.

Response: In order to remedy the conflict, DoD has inserted the following statement inserted after each of the affected provision prescriptions:

''If the solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.2XX–70XX in the solicitation.''

4. Other Editorial Comments

Several respondents had editorial comments as to the language within the rule.

Comment: One respondent recommended that 232.908, Contract clauses, should have the reference to 52.212–4 removed from the text, which requires use, in certain acquisitions, of the clause 252.232–7011 ''in addition to either the approved clause prescribed in FAR 32.908 or FAR 52.212–4(i)(2) . . .'' According to the respondent, FAR 32.908(c) already cites FAR 52.212–4.

Response: FAR 52.212–4 is not prescribed in FAR 32.908(c). FAR 32.908(c) reads as follows: ''Insert the clause at 52.232–25, Prompt Payment, in all other solicitations and contracts, except when the clause at 52.212–4 . . . applies . . . '' Although FAR 52.212–4 is used in part of the prescription for 52.232–25, it is prescribed in FAR 12.301(b)(3), not in FAR 32.908. However, this paragraph has been slightly revised in order to improve clarity.

Comment: One respondent questioned why the date change was proposed for 252.203–7000, because no change proposed.

Response: There is only a change to the clause preface, so the date has not been changed.

Comment: One respondent asserted that there is a conflict as to the flowdown applicability of DFARS 252.247–7023, Transportation of Supplies by Sea. It was noted that the **Federal Register,** Background Section II, states ''Further, 10 U.S.C. 2631 is not listed in DFARS 212.503(a) as a law not applicable to commercial items.'' On that basis, a number of provisions and clauses implementing 10 U.S.C. 2631 are included in 212.301. The respondent further noted that 10 U.S.C.2631 is listed in FAR 12.504 (a)(1) as a law ''. . . not applicable to subcontracts at any tier for the acquisition of commercial items or commercial components at any tier.''

Response: No conflict exists because FAR 12.504(a)(1) provides an exception to the nonapplicability to subcontracts for the acquisition of commercial items for the types of subcontracts listed at 47.504(d).

Comment: One respondent noted lack of uniformity of word placement in the clause prescriptions that include applicability to solicitations and contracts using part 12 procedures for the acquisition of commercial items.

Response: The clause prescriptions have been revised as necessary to ensure uniformity in placement of the wording ''including solicitations (and contracts) using FAR part 12 procedures for the acquisition of commercial items.''

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a

substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule aims to only change the appearance of how commercial provisions and clauses are presented within commercial acquisitions and there are no substantive changes. However, a final regulatory flexibility analysis has been performed and is summarized as follows:

The purpose of this case is to support the use of automated contract writing systems. Rather than requiring the contracting officers to ''check the applicable clauses,'' this final rule will allow automated contract writing systems to automatically select the applicable clauses, saving DoD time and scarce resources. Potential offerors, including small businesses, may be affected by this rule by seeing an unfamiliar format for clauses in commercial item acquisitions issued by any DoD contracting activities that do not already currently deviate from the current DFARS requirement to ''check a box.''

There were 273,042 new contracts, agreements, and purchase orders awarded in Fiscal Year 2011 using FAR part 12 procedures for the acquisition of commercial items, and 71,950 of these actions (26.35%) were awarded to small businesses. However, nothing substantive will change in commercial acquisitions for potential offerors, and only the appearance of how applicable clauses are presented will be changed. This rule may result in potential offerors, including small businesses, expending more time to become familiar with and to understand the new clause format issued by any DoD contracting activities not presently operating under the existing deviation. The burden caused by this rule is expected to be minimal and will not be any greater on small businesses than it is on large businesses.

There are no new reporting requirements or recordkeeping requirements associated with this rule. Finally, there are no significant alternatives that could further minimize the already minimal impact on businesses, small or large.

V. Paperwork Reduction Act

This final rule does not contain any new information collection requirements that require the approval of the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. chapter 35). The commercial clauses currently approved for use in commercial contracts, which may impose any information collection burden on contractors or any subcontractors, are already covered by an existing approved OMB clearance. The burdens for all existing commercial clauses are not changed in any way by this rule. Two DFARS provisions, with an associated information collection burden, are newly identified by this rule as being applicable to acquisitions of commercial items: 252.225–7022, Trade Agreements Certificate—Inclusion of Iraqi End Products; and 252.225–7023, Preference for Products or Services from Iraq of Afghanistan. The information collection burdens associated with these two DFARS provisions are already fully covered and cleared under OMB Control Number 0704–0229 entitled Foreign Acquisitions. These two provisions are variants of the other existing foreign acquisition provisions with reporting burdens already in use and covered for commercial acquisitions (excluding commercial information technology).

List of Subjects in 48 CFR Parts 203, 204, 205, 209, 211, 212, 215, 216, 219, 223, 225, 226, 227, 229, 232, 237, 243, 244, 246, 247, and 252

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, DoD amends 48 CFR parts 203, 204, 205, 209, 211, 212, 215, 216, 219, 223, 225, 226, 227, 229, 232, 237, 243, 244, 246, 247, and 252 as follows:

■ 1. The authority citation for parts 203, 204, 205, 209, 211, 212, 215, 216, 219, 225, 229, 232, 237, 243, 244, 247, and 252 continue to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR Chapter 1.

PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

203.171–4 [Amended]

■ 2. Amend section 203.171–4 by—

■ a. In paragraph (a), removing ''solicitations and contracts'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items'' in its place.

■ b. In paragraph (b), removing ''including solicitations for task and delivery orders'' and adding ''including solicitations using FAR part 12 procedures for the acquisition of commercial items and solicitations for task and delivery orders'' in its place.

203.1004 [Amended]

■ 3. Amend section 203.1004 by removing, in paragraph (a), ''solicitations and contracts that include the FAR'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that include the FAR'' in its place.

PART 204—ADMINISTRATIVE MATTERS

■ 4. Amend section 204.1202 by—

■ a. Removing the introductory text;

■ b. Revising paragraph (1); and

■ c. In paragraph (2), removing ''Do not include separately'' and adding ''When the clause at 52.204–7, Central Contractor Registration, is included in the solicitation, do not include separately'' in its place.

The revised text reads as follows:

204.1202 Solicitation provision.

(1) When using the provision at FAR 52.204–8, Annual Representations and Certifications, use the provision with 252.204–7007, Alternate A, Annual Representations and Certifications; and

* * * * *

204.7109 [Amended]

■ 5. Amend section 204.7109, in paragraph (b), by removing ''for commercial items and initial provisioning spares'' and adding ''using FAR part 12 procedures for the acquisition of commercial items or for initial provisioning spares'' in its place.

PART 205—PUBLICIZING CONTRACT ACTIONS

205.470 [Amended]

■ 6. Amend section 205.470 by removing ''in solicitations and contracts expected to exceed $1,000,000'' and adding ''in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are expected to exceed $1,000,000'' in its place.

PART 209—CONTRACTOR QUALIFICATIONS

■ 7. Revise section 209.104–70 to read as follows:

209.104–70 Solicitation provisions.

(a) Use the provision at 252.209–7001, Disclosure of Ownership or Control by the Government of a Terrorist Country, in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items that are expected to result in contracts of $150,000 or more. Any disclosure that the government of a terrorist country has a significant interest in an offeror or a subsidiary of an offeror shall be forwarded through agency channels to the address at 209.104–1(g)(i)(C). If the

solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.209–7001 in the solicitation.

(b) Use the provision at 252.209–7002, Disclosure of Ownership or Control by a Foreign Government, in all solicitations, including those subject to the procedures in FAR part 13, when access to proscribed information is necessary for contract performance. If the solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.209–7002 in the solicitation.

■ 8. In section 209.470–4, revise paragraph (a) to read as follows:

209.470–4 Solicitation provision and contract clause.

(a) Use the provision at 252.209–7003, Reserve Officer Training Corps and Military Recruiting on Campus—Representation, in all solicitations with institutions of higher education. If the solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.209–7003 in the solicitation.

* * * * *

PART 211—DESCRIBING AGENCY NEEDS

211.274–6 [Amended]

■ 9. Amend section 211.274–6, paragraph (a)(1), by removing ''solicitations and contracts that require'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that require'' in its place.

211.275–3 [Amended]

■ 10. Amend section 211.275–3 by removing ''in solicitations and contracts that will require'' and adding ''in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that will require'' in its place.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 11. Revise section 212.301 to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) The following additional provisions and clauses apply to DoD solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items. If the offeror has completed any of the following provisions listed in this paragraph electronically as part of its annual representations and certifications at *https://www.acquisition.gov,* the contracting officer shall consider this information instead of requiring the offeror to complete these provisions for a particular solicitation.

(i) Use the FAR clause at 52.203–3, Gratuities, as prescribed in FAR 3.202, to comply with 10 U.S.C. 2207.

(ii) Use the clause at 252.203–7000, Requirements Relating to Compensation of Former DoD Officials, as prescribed in 203.171–4(a), to comply with section 847 of Public Law 110–181.

(iii) Use the clause at 252.203–7003, Agency Office of the Inspector General, as prescribed in 203.1004(a), to comply with section 6101 of Public Law 110–252 and 41 U.S.C. 3509.

(iv) Use the provision at 252.203–7005, Representation Relating to Compensation of Former DoD Officials, as prescribed in 203.171–4(b).

(v) Use the provision at 252.204–7011, Alternative Line Item Structure, as prescribed in 204.7109(b).

(vi) Use the clause at 252.205–7000, Provision of Information to Cooperative Agreement Holders, as prescribed in 205.470, to comply with 10 U.S.C. 2416.

(vii) Use the provision at 252.209–7001, Disclosure of Ownership or Control by the Government of a Terrorist Country, as prescribed in 209.104–70(a), to comply with 10 U.S.C 2327(b).

(viii) Use the clause at 252.211–7003, Item Identification and Valuation, as prescribed in 211.274–6(a)(1).

(ix) Use the provision at 252.211–7006, Passive Radio Frequency Identification, as prescribed in 211.275–3.

(x) Use the clause at 252.211–7007, Reporting of Government-Furnished Property, as prescribed in 211.274–6.

(xi) Use the provisions at 252.215–7007, Notice of Intent to Resolicit, and 252.215–7008, Only One Offer, as prescribed in 215.408(3) and (4), respectively.

(xii) Use the clause at 252.219–7003, Small Business Subcontracting Plan (DoD Contracts), as prescribed in 219.708(b)(1)(A)(*1*), to comply with 15 U.S.C. 637. Use the clause with its Alternate I when prescribed in 219.708(b)(1)(A)(*2*).

(xiii) Use the clause at 252.219–7004, Small Business Subcontracting Plan (Test Program), as prescribed in 219.708(b)(1)(B), to comply with 15 U.S.C. 637 note.

(xiv) Use the clause at 252.223–7008, Prohibition of Hexavalent Chromium, as prescribed in 223.7306.

(xv) Use the provision at 252.225–7000, Buy American—Balance of Payments Program Certificate, as prescribed in 225.1101(1)(i), to comply with 41 U.S.C. chapter 83 and Executive Order 10582 of December 17, 1954, Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act. Use the provision with its Alternate I as prescribed in 225.1101(1)(ii).

(xvi) Use the clause at 252.225–7001, Buy American and Balance of Payments Program, as prescribed in 225.1101(2)(i), to comply with 41 U.S.C. chapter 83 and Executive Order 10582 of December 17, 1954, Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act. Use the clause with its Alternate I as prescribed in 225.1101(2)(ii).

(xvii) Use the clause at 252.225–7008, Restriction on Acquisition of Specialty Metals, as prescribed in 225.7003–5(a)(1), to comply with 10 U.S.C. 2533b.

(xviii) Use the clause at 252.225–7009, Restriction on Acquisition of Certain Articles Containing Specialty Metals, as prescribed in 225.7003–5(a)(2), to comply with 10 U.S.C. 2533b.

(xix) Use the provision at 252.225–7010, Commercial Derivative Military Article—Specialty Metals Compliance Certificate, as prescribed in 225.7003–5(b), to comply with 10 U.S.C. 2533b.

(xx) Use the clause at 252.225–7012, Preference for Certain Domestic Commodities, as prescribed in 225.7002–3(a), to comply with 10 U.S.C. 2533a.

(xxi) Use the clause at 252.225–7015, Restriction on Acquisition of Hand or Measuring Tools, as prescribed in 225.7002–3(b), to comply with 10 U.S.C. 2533a.

(xxii) Use the clause at 252.225–7016, Restriction on Acquisition of Ball and Roller Bearings, as prescribed in 225.7009–5, to comply with section 8065 of Pub. L. 107–117 and the same restriction in subsequent DoD appropriations acts.

(xxiii) Use the clause at 252.225–7017, Photovoltaic Devices, as prescribed in 225.7017–4(a), to comply with section 846 of Public Law 111–383.

(xxiv) Use the provision at 252.225–7018, Photovoltaic Devices—Certificate, as prescribed in 225.7017–4(b), to comply with section 846 of Public Law 111–383.

(xxv) Use the provision at 252.225–7020, Trade Agreements Certificate, to comply with 19 U.S.C. 2501–2518 and 19 U.S.C. 3301 note. Alternate I also implements section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(A) Use the basic provision as prescribed in 225.1101(5)(i),

(B) Use the provision with its Alternate I as prescribed in 225.1101(5)(ii).

(xxvi) Use the clause at 252.225–7021, Trade Agreements to comply with 19 U.S.C. 2501–2518 and 19 U.S.C. 3301 note. Alternate I also implements section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(A) Use the basic clause as prescribed in 225.1101(6)(i).

(B) Use the clause with its Alternate I as prescribed in 225.1101(6)(ii).

(C) Use the clause with its Alternate II as prescribed in 225.1101(6)(iii).

(xxvii) Use the provision at 252.225–7022, Trade Agreements Certificate—Inclusion of Iraqi End Products, as prescribed in 225.1101(7), to comply with section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(xxviii) Use the provision at 252.225–7023, Preference for Products or Services from Iraq or Afghanistan, as prescribed in 225.7703–5(a), to comply with section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(xxix) Use the clause at 252.225–7024, Requirement for Products or Services from Iraq or Afghanistan, as prescribed in 225.7703–5(b), to comply with section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(xxx) Use the clause at 252.225–7026, Acquisition Restricted to Products or Services from Iraq or Afghanistan, as prescribed in 225.7703–5(c), to comply with section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(xxxi) Use the clause at 252.225–7027, Restriction on Contingent Fees for Foreign Military Sales, as prescribed in 225.7307(a), to comply with 22 U.S.C. 2779.

(xxxii) Use the clause at 252.225–7028, Exclusionary Policies and Practices of Foreign Governments, as prescribed in 225.7307(b), to comply with 22 U.S.C. 2755.

(xxxiii) Use the provision at 252.225–7031, Secondary Arab Boycott of Israel, as prescribed in 225.7605, to comply with 10 U.S.C. 2410i.

(xxxiv) Use the provision at 252.225–7035, Buy American—Free Trade Agreements—Balance of Payments Program Certificate, to comply with 41 U.S.C. chapter 83 and 19 U.S.C. 3301 note. Alternates II, III, and V also implement section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(A) Use the basic provision as prescribed in 225.1101(10)(i).

(B) Use the provision with its Alternate I as prescribed in 225.1101(10)(ii).

(C) Use the provision with its Alternate II as prescribed in 225.1101(10)(iii).

(D) Use the provision with its Alternate III as prescribed in 225.1101(10)(iv).

(E) Use the provision with its Alternate IV as prescribed in 225.1101(10)(v).

(F) Use the provision with its Alternate V as prescribed in 225.1101(10)(vi).

(xxxv) Use the clause at 252.225–7036, Buy American—Free (B) Trade Agreements—Balance of Payments Program to comply with 41 U.S.C. chapter 83 and 19 U.S.C. 3301 note. Alternates II, III, and V also implement section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(A) Use the basic clause as prescribed in 225.1101(11)(i)(A)

(B) Use the clause with its Alternate I as prescribed in 225.1101(11)(i)(B).

(C) Use the clause with its Alternate II as prescribed in 225.1101(11)(i)(A).

(D) Use the clause with its Alternate III as prescribed in 225.1101(11)(i)(B).

(E) Use the clause with its Alternate IV as prescribed in 225.1101(11)(i)(C).

(F) Use the clause with its Alternate V as prescribed in 225.1101(11)(i)(C).

(xxxvi) Use the provision at 252.225–7037, Evaluation of Offers for Air Circuit Breakers, as prescribed in 225.7006–4(a), to comply with 10 U.S.C. 2534(a)(3).

(xxxvii) Use the clause at 252.225–7038, Restriction on Acquisition of Air Circuit Breakers, as prescribed in 225.7006–4(b), to comply with 10 U.S.C. 2534(a)(3).

(xxxviii) Use the clause at 252.225–7039, Contractors Performing Private Security Functions, as prescribed in 225.370–6, to comply with section 862 of Public Law 110–181, as amended by section 853 of Public Law 110–417 and sections 831 and 832 of Public Law 111–383.

(xxxix) Use the clause at 252.225–7040, Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States, as prescribed in 225.7402–5(a).

(xl) Use the clause at 252.225–7043, Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States, as prescribed in 225.7403–2.

(xli) Use the clause at 252.226–7001, Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns, as prescribed in 226.104, to comply with section 8021 of Public Law 107–248 and similar sections in subsequent DoD appropriations acts.

(xlii) Use the clause at 252.227–7013, Rights in Technical Data–Noncommercial Items, as prescribed in 227.7103–6(a). Use the clause with its Alternate I as prescribed in 227.7103–6(b)(1). Use the clause with its Alternate II as prescribed in 227.7103–6(b)(2), to comply with 10 U.S.C. 7317 and 17 U.S.C. 1301, et. seq.

(xliii) Use the clause at 252.227–7015, Technical Data–Commercial Items, as prescribed in 227.7102–4(a)(1), to comply with 10 U.S.C. 2320. Use the clause with its Alternate I as prescribed in 227.7102–4(a)(2), to comply with 10 U.S.C. 7317 and 17 U.S.C. 1301, et seq.

(xliv) Use the clause at 252.227–7037, Validation of Restrictive Markings on Technical Data, as prescribed in 227.7102–4(c).

(xlv) Use the clause at 252.232–7003, Electronic Submission of Payment Requests and Receiving Reports, as prescribed in 232.7004, to comply with 10 U.S.C. 2227.

(xlvi) Use the clause at 252.232–7009, Mandatory Payment by Governmentwide Commercial Purchase Card, as prescribed in 232.1110.

(xlvii) Use the clause at 252.232–7010, Levies on Contract Payments, as prescribed in 232.7102.

(xlviii) Use the clause at 252.232–7011, Payments in Support of Emergencies and Contingency Operations, as prescribed in 232.908.

(xlix) Use the clause at 252.237–7010, Prohibition on Interrogation of Detainees by Contractor Personnel, as prescribed in 237.173–5, to comply with section 1038 of Pub. L. 111–84.

(l) Use the clause at 252.237–7019, Training for Contractor Personnel Interacting with Detainees, as prescribed in 237.171–4, to comply with section 1092 of Pub. L. 108–375.

(li) Use the clause at 252.243–7002, Requests for Equitable Adjustment, as prescribed in 243.205–71, to comply with 10 U.S.C. 2410.

(lii) Use the clause at 252.244–7000, Subcontracts for Commercial Items, as prescribed in 244.403.

(liii) Use the clause at 252.246–7003, Notification of Potential Safety Issues, as prescribed in 246.371(a).

(liv) Use the clause at 252.246–7004, Safety of Facilities, Infrastructure, and Equipment for Military Operations, as prescribed in 246.270–4, to comply with section 807 of Public Law 111–84.

(lv) Use the clause at 252.247–7003, Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer, as prescribed in 247.207, to

comply with section 884 of Public Law 110–417.

(lvi) Use the provision at 252.247–7022, Representation of Extent of Transportation by Sea, as prescribed in 247.574(a).

(lvii) Use the clause at 252.247–7023, Transportation of Supplies by Sea, as prescribed in 247.574(b)(1), to comply with the Cargo Preference Act of 1904 (10 U.S.C. 2631(a)). Use the clause with its Alternate I as prescribed in 247.574(b)(2). Use the clause with its Alternate II as prescribed in 247.574(b)(3). Use the clause with its Alternate III as prescribed in 247.574(b)(4).

(lviii) Use the clause at 252.247–7024, Notification of Transportation of Supplies by Sea, as prescribed in 247.574(c).

(lix) Use the clause 252.247–7025, Reflagging or Repair Work, as prescribed in 247.574(d), to comply with 10 U.S.C. 2631(b).

(lx) Use the provision at 252.247–7026, Evaluation Preference for Use of Domestic Shipyards—Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade, as prescribed in 247.574(e), to comply with section 1017 of Public Law 109–364.

(lxi) Use the clause at 252.247–7027, Riding Gang Member Requirements, as prescribed in 247.574(f), to comply with section 3504 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417).

(lxii) Use the clause at 252.247–7028, Application for U.S Government Shipping Documentation/Instructions, as prescribed in 247.207.

PART 215—CONTRACTING BY NEGOTIATION

215.408 [Amended]

■ 12. Amend section 215.408 by—

■ a. In paragraph (3), removing ''in competitive solicitations that will be solicited'' and adding ''in competitive solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that will be solicited'' in its place.

■ b. In paragraph (4)(i), removing ''in competitive solicitations, unless an exception'' and adding ''in competitive solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, unless an exception'' in its place.

PART 216—TYPES OF CONTRACTS

■ 13. Amend section 216.203–4–70, by revising paragraph (c)(2) to read as follows:

216.203–4–70 Additional provisions and clauses.

* * * * *

(c) * * *

(2) Use the provision at 252.216–7008, Economic Price Adjustment–Wage Rates or Material Prices Controlled by a Foreign Government—Representation, in solicitations that include the clause at 252.216–7003, Economic Price Adjustment–Wage Rates or Material Prices Controlled by a Foreign Government. If the solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.216–7008 in the solicitation.

PART 219—SMALL BUSINESS PROGRAMS

■ 14. Revise section 219.708 to read as follows:

219.708 Contract clauses.

(b)(1)(A) Except as provided in paragraph (b)(1)(B) of this section, use the clause at *252.219–7003*, Small Business Subcontracting Plan (DoD Contracts)—

(*1*) In solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that contain the clause at FAR 52.219–9, Small Business Subcontracting Plan.

(*2*) With its Alternate I in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that use Alternate III of 52.219–9, Small Business Subcontracting Plan.

(B)(*1*) In prime contracts, including contracts using FAR part 12 procedures for the acquisition of commercial items, with contractors that have comprehensive subcontracting plans approved under the test program described in *219.702*, use the clause at *252.219–7004*, Small Business Subcontracting Plan (Test Program), instead of the clauses at *252.219–7003*, Small Business Subcontracting Plan (DoD Contracts), and FAR 52.219–9, Small Business Subcontracting Plan (DoD Contracts), and FAR 52.219–9, Small Business Subcontracting Plan.

(*2*) However, also include in the prime contract, solely for the purpose of flowing the clauses down to subcontractors—

(i) FAR clause 52.219–9, Small Business Subcontracting Plan, and *252.219–7003*; or

(ii) When the contract will not be reported in FPDS (see FAR 4.606 (c)(5)), FAR clause 52.219–9, Small Business Subcontracting Plan with its Alternate III and *252.219–7003*, Small Business Subcontracting Plan (DoD Contracts), with its Alternate I.

(2) In contracts with contractors that have comprehensive subcontracting plans approved under the test program described in *219.702*, do not use the clause at FAR 52.219–16, Liquidated Damages—Subcontracting Plan.

(c)(1) Do not use the clause at FAR 52.219–10, Incentive Subcontracting Program, in contracts with contractors that have comprehensive subcontracting plans approved under the test program described in 219.702.

PART 223—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

■ 15. The authority citation for part 223 is revised to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

223.7306 [Amended]

■ 16. Amend section 223.7306 by removing ''solicitations and contracts for supplies, maintenance and repair services, or construction'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for supplies, maintenance and repair services, or construction'' in its place.

PART 225—FOREIGN ACQUISITION

225.370–6 [Amended]

■ 17. Amend section 225.370–6 introductory text by removing ''in all solicitations and contracts to be performed'' and adding ''in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are to be performed'' in its place.

■ 18. Amend section 225.1101 by—

■ a. In paragraph (1)(i), removing ''solicitation that includes the clause'' and adding ''solicitation, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that includes the clause'' in its place; and removing ''Balance of Payments Program'' and adding ''Balance of Payments Program. If the solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.225–7000 in the solicitation'' in its place;

■ b. In paragraph (1)(ii), removing ''Alternate I when the acquisition'' and adding ''Alternate I in solicitations, including solicitations using FAR part

12 procedures for the acquisition of commercial items, when the acquisition'' in its place;

■ c. In paragraph (2)(i) introductory text, removing ''in solicitations and contracts unless—'' and adding ''in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, unless—'' in its place;

■ d. In paragraph (2)(ii), removing ''Alternate I when the'' and adding ''Alternate I in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when the'' in its place;

■ e. Revising paragraphs (5)(i) through(ii);

■ f. In paragraph (6)(i) removing ''Trade Agreements, instead of the clause at FAR 52.225–5, Trade Agreements, if the World'' and adding ''Trade Agreements, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, if the World'' in its place;

■ g. In paragraph (6)(ii) removing ''solicitations and contracts that include'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that include'' in its place;

■ h. In paragraph (6)(iii) removing ''Alternate II when the'' and adding ''Alternate II in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when the'' in its place;

■ i. Revising paragraph (7);

■ j. Revising paragraph (10);

■ k. In paragraph (11)(i) introductory text, removing ''in solicitations and contracts for the items listed at 225.401–70, including acquisitions of commercial items or components, when the estimated'' and adding ''in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, for the items listed at 225.401–70, when the estimated'' in its place;

■ l. In paragraph (11)(i)(A), removing ''Use the basic clause when'' and adding ''Use the basic clause in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when'' in its place;

■ m. In paragraph (11)(i)(B), removing ''Use the clause with its Alternate I when'' and adding ''Use the clause with its Alternate I in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when'' in its place; and

■ n. In paragraph (11)(i)(C), removing ''Use the clause with its Alternate IV when'' and adding ''Use the clause with its Alternate IV in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when'' in its place.

The revised text reads as follows:

225.1101 Acquisition of supplies.

* * * * *

(5)(i) Except as provided in paragraph (7) of this section, use the provision at 252.225–7020, Trade Agreements Certificate, instead of the provision at FAR 52.225–6, Trade Agreements Certificate, in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that include the clause at 252.225–7021, Trade Agreements. If the solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.225–7020 in the solicitation.

(ii) Use the provision with its Alternate I in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, when the acquisition is of end products in support of operations in Afghanistan.

* * * * *

(7) Use the provision at 252.225–7022, Trade Agreements Certificate—Inclusion of Iraqi End Products, instead of the provision at FAR 52.225–6, Trade Agreements Certificate, in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that include the clause at 252.225–7021, Trade Agreements, with its Alternate I. If the solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.225–7022 in the solicitation.

* * * * *

(10)(i) Use the provision at 252.225–7035, Buy American—Free Trade Agreements—Balance of Payments Program Certificate, instead of the provision at FAR 52.225–4, Buy American—Free Trade Agreements—Israeli Trade Act Certificate, in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that include the clause at 252.225–7036, Buy American—Free Trade Agreements—Balance of Payments Program. If the solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.225–7035 in the solicitation.

(ii) Use the provision with its Alternate I in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, when the clause at 252.225–7036 is used with its Alternate I.

(iii) Use the provision with its Alternate II in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, when the clause at 252.225–7036 is used with its Alternate II.

(iv) Use the provision with its Alternate III in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, when the clause at 252.225–7036 is used with its Alternate III.

(v) Use the provision with its Alternate IV in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, when the clause at 252.225–7036 is used with its Alternate IV.

(vi) Use the provision with its Alternate V in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, when the clause at 252.225–7036 is used with its Alternate V.

* * * * *

225.1103 [Amended]

■ 19. In paragraph (3) of section 225.1103, remove ''in a foreign country'' and add ''in a foreign country. If the solicitation includes the clause at FAR 52.204–7, do not separately list the provision 252.225–7042 in the solicitation'' in its place.

225.7002–3 [Amended]

■ 20. Amend section 225.7002–3 by—

■ a. In paragraph (a), removing ''contracts exceeding'' and adding ''contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that exceed'' in its place; and

■ b. In paragraph (b), removing ''solicitations and contracts exceeding'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that exceed'' in its place.

225.7003–5 [Amended]

■ 21. Amend section 225.7003–5 by—

■ a. In paragraph (a)(1) introductory text, removing ''solicitations and contracts that—'' and adding ''solicitations and contracts, including solicitations and contracts using FAR

part 12 procedures for the acquisition of commercial items, that—'' in its place;
■ b. In paragraph (a)(2) introductory text, removing ''solicitations and contracts that—'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that—'' in its place; and
■ c. In paragraph (b) introductory text, removing ''in solicitations—'' and adding ''in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items,—'' in its place.

225.7006–4 [Amended]

■ 22. Amend section 225.7006–4 by—
■ a. In paragraph (a) introductory text, removing ''in solicitations requiring air circuit'' and adding ''in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that require air circuit'' in its place; and
■ b. In paragraph (b) introductory text, removing ''solicitations and contracts requiring air circuit'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that require air circuit'' in its place; and
■ c. In paragraph (b)(1), removing ''An exception applies'' and adding ''An exception at 225.7006–2 applies'' in its place.

225.7009–5 [Amended]

■ 23. Amend section 225.7009–5 introductory text by removing ''in solicitations and contracts, unless—'' and adding ''in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, unless—'' in its place.

225.7017–4 [Amended]

■ 24. Amend section 225.7017–4 by—
■ a. In paragraph (a)(1) introductory text, by removing ''in solicitations for a contract'' and adding ''in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, for a contract'' in its place; and
■ b. In paragraph (a)(2), removing ''resultant contract if it'' and adding ''resultant contract, including contracts using FAR part 12 procedures for the acquisition of commercial items, if it'' in its place; and
■ c. In paragraph (b), removing ''in solicitations containing the clause'' and adding ''in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that contain the clause'' in its place.

225.7307 [Amended]

■ 25. Amend section 225.7307 by—
■ a. In paragraph (a), removing ''solicitations and contracts for FMS'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for FMS'' in its place; and
■ b. In paragraph (b), removing ''solicitations and contracts for the purchase'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for the purchase'' in its place.

225.7402–5 [Amended]

■ 26. In section 225.7402–5, amend paragraph (a) by removing ''solicitations and contracts that authorize'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that authorize'' in its place.

225.7403–2 [Amended]

■ 27. Amend section 225.7403–2 introductory text by removing ''solicitations and contracts that require'' and adding ''solicitations and contracts, and contracts using FAR part 12 procedures for the acquisition of commercial items, that require'' in its place.

225.7605 [Amended]

■ 28. Section 225.7605 is amended by—
■ a. Removing ''Unless an exception applies'' and adding ''Unless an exception at 225.7603 applies'' in its place; and
■ b. Removing ''in all solicitations'' and adding ''in all solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items. If the solicitation includes the clause at FAR 52.204–7, do not separately list 252.225–7031 in the solicitation'' in its place.

225.7703–5 [Amended]

■ 29. Amend section 225.7703–5 by—
■ a. In paragraph (a) introductory text, removing ''in solicitations that provide'' and adding ''in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that provide'' in its place;
■ b. In paragraph (b), removing ''in solicitations that include'' and adding ''in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that include'' in its place; and
■ c. In paragraph (c)(1) introductory text, removing ''in solicitations and contracts that—'' and adding ''in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that—'' in its place.

PART 226—OTHER SOCIOECONOMIC PROGRAMS

■ 30. The authority citation for part 226 is revised to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

226.104 [Amended]

■ 31. Amend section 226.104 by removing ''in solicitations and contracts for supplies'' and adding ''in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for supplies'' in its place.

PART 227—PATENTS, DATA, AND COPYRIGHTS

■ 32. The authority citation for part 227 is revised to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

227.7102–4 [Amended]

■ 33. Amend section 227.7102–4 by—
■ a. In paragraph (a)(1), removing ''in all solicitations and contracts when'' and adding ''in all solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when'' in its place;
■ b. In paragraph (a)(2), removing ''Alternate I in contracts for the'' and adding ''Alternate I in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, for the'' in its place; and
■ c. In paragraph (c), removing ''in all solicitations and contracts for commercial items'' and adding ''in solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items'' in its place.

227.7103–6 [Amended]

■ 34. Amend section 227.7103–6 by—
■ a. In paragraph (a), removing ''solicitations and contracts when the'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when the'' in its place;
■ b. In paragraph (b)(1) introductory text, removing ''Alternate I in research contracts when the'' and adding

''Alternate I in research solicitations and contracts, including research solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when the'' in its place; and

■ c. In paragraph (b)(2), removing ''Alternate II in contracts for the'' and adding ''Alternate II in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for the'' in its place.

PART 229—TAXES

229.402–70 [Amended]

■ 35. Amend section 229.402–70 by—

■ a. In paragraph (c)(2), removing ''252.229–7003, Tax Exemptions (Italy)'' and adding ''252.229–7003, Tax Exemptions (Italy). If the solicitation includes the clause at FAR 52.204–7, do not separately list 252.229–7012 in the solicitation'' in its place.

■ b. In paragraph (e)(2), removing ''252.229–7005, Tax Exemptions (Spain)'' and adding ''252.229–7005, Tax Exemptions (Spain). If the solicitation includes the clause at FAR 52.204–7, do not separately list 252.229–7013 in the solicitation.'' in its place.

PART 232—CONTRACT FINANCING

■ 36. Revise section 232.908 to read as follows:

232.908 Contract clauses.

Use the clause at 252.232–7011, Payments in Support of Emergencies and Contingency Operations, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, in acquisitions that meet the applicability criteria at 232.901(1). Use of this clause is in addition to use of either the approved Payment clause prescribed in FAR 32.908 or the clause at FAR 52.212–4, Contract Terms and Conditions—Commercial Items.

■ 37. Revise section 232.1110 to read as follows:

232.1110 Solicitation provision and contract clauses.

Use the clause at 252.232–7009, Mandatory Payment by Governmentwide Commercial Purchase Card, in solicitations, contracts, and agreements, including solicitations, contracts, and agreements using FAR part 12 procedures for the acquisition of commercial items, when—

(1) Placement of orders or calls valued at or below the micro-purchase threshold is anticipated; and

(2) Payment by Governmentwide commercial purchase card is required for orders or calls valued at or below the micro-purchase threshold under the contract or agreement.

232.7004 [Amended]

■ 38. Amend paragraph (a) of section 232.704 by removing ''solicitations and contracts'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items'' in its place.

232.7102 [Amended]

■ 39. Amend section 232.7102 by removing ''solicitations and contracts other than those for micro-purchases'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items'' in its place.

PART 237—SERVICE CONTRACTING

237.171–4 [Amended]

■ 40. Amend section 237.171–4 by removing ''in solicitations and contracts for the acquisition'' and adding ''in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for the acquisition'' in its place.

237.173–5 [Amended]

■ 41. Amend section 237.173–5 by removing ''solicitations and contracts for the provision'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for the provision'' in its place.

PART 243—CONTRACT MODIFICATIONS

243.205–71 [Amended]

■ 42. Amend section 243.205–71 by removing ''solicitations and contracts estimated'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are estimated'' in its place.

PART 244—SUBCONTRACTING POLICIES AND PROCEDURES

■ 43. Revise section 244.403 to read as follows:

244.403 Contract clause.

Use the clause at 252.244–7000, Subcontracts for Commercial Items, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items.

PART 246—QUALITY ASSURANCE

■ 44. The authority citation for part 246 is revised to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

246.270–4 [Amended]

■ 45. Amend section 246.270–4 by removing ''solicitations and contracts for the construction'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, for the construction'' in its place.

246.371 [Amended]

■ 46. Amend section 246.371, in the introductory text of paragraph (a), by removing ''solicitations and contracts for the acquisition of—'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, for the acquisition of—'' in its place.

PART 247—TRANSPORTATION

247.207 [Amended]

■ 47. Amend section 247.207 by—

■ a. In paragraph (1), removing ''solicitations and contracts for carriage'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for carriage'' in its place.

■ b. In paragraph (2), removing ''Documentation/Instructions, when shipping'' and adding ''Documentation/Instructions in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when shipping'' in its place.

■ 48. Revise section 247.571 to read as follows:

247.571 Definitions.

As used in this subpart—

(a) *Components, foreign flag vessel, ocean transportation, supplies,* and *U.S.-flag vessel* have the meaning given in the clause at 252.247–7023, Transportation of Supplies by Sea.

(b) *Reflagging or repair work* has the meaning given in the clause at 252.247–7025, Reflagging or Repair Work.

(c) *Covered vessel, foreign shipyard, overhaul, repair, and maintenance work, shipyard,* and *U.S. shipyard* have the meaning given in the provision at 252.247–7026, Evaluation Preference for

Use of Domestic Shipyards—Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade.

247.572 [Amended]

■ 49. Amend section 247.572 by—
■ a. In paragraph (a) introductory text, removing ''DoD contractors must transport'' and adding ''In accordance with 10 U.S.C. 2631(a), DoD contractors must transport'' in its place; and
■ b. In paragraph (c), adding introductory text.

The added text reads as follows:

247.572 Policy.

* * * * *

(c) In accordance with 10 U.S.C. 2631(b)—

* * * * *

■ 50. Amend section 247.574 by—
■ a. Revising paragraph (a) and paragraph (b)(1);
■ b. In paragraph (c), removing ''in all contracts for which'' and adding ''in all contracts, including contracts using FAR part 12 procedures for the acquisition of commercial items, for which'' in its place;
■ c. In paragraph (d), removing ''solicitations and contracts for the use of'' and adding ''solicitations and contracts, including time charter solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for the use of'' in its place; and removing ''in accordance with 247.572(c)'' and adding ''in accordance with 247.572(c)(2)'' in its place;
■ d. In paragraph (e), removing ''in solicitations that require'' and adding ''in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that require'' in its place; and
■ e. In paragraph (f), removing ''solicitations and contracts for the charter of'' and adding ''solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for the charter of'' in its place.

The revised text reads as follows:

247.574 Solicitation provisions and contract clauses.

(a)(1) Use the provision at 252.247–7022, Representation of Extent of Transportation by Sea, in all solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, except—

(i) Those for direct purchase of ocean transportation services; or

(ii) Those with an anticipated value at or below the simplified acquisition threshold.

(2) If the solicitation includes the clause at FAR 52.204–7, do not separately list 252.247–7022 in the solicitation.

(b)(1) Use the clause at 252.247–7023, Transportation of Supplies by Sea, in all solicitations and resultant contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, except those for direct purchase of ocean transportation services.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.203–7000 [Amended]

■ 51. Amend the introductory text of section 252.203–7000 by removing ''203.171–4'' and adding ''203.171–4(a)'' in its place.

252.211–7003 [Amended]

■ 52. Amend section 252.211–7003 by—
■ a. In introductory text, removing ''211.274–6(a)'' and adding ''211.274–6(a)(1)'' in its place; and removing the clause date ''(JUN 2011)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (g), removing ''paragraph (g), in the applicable subcontract(s)'' and adding ''paragraph (g), in the applicable subcontract(s), including subcontracts for commercial items'' in its place.

■ 53. Remove and reserve section 252.212–7000.
■ 54. Remove and reserve section 252.212–7001.

252.223–7008 [Amended]

■ 55. Amend section 252.223–7008 by—
■ a. Removing the clause date ''(MAY 2011)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (d), removing ''in all subcontracts for supplies,'' and adding ''in all subcontracts, including subcontracts for commercial items, that are for supplies,'' in its place.

252.225–7009 [Amended]

■ 56. Amend section 252.225–7009 by—
■ a. Removing the clause date ''(MAR 2013)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (e), removing ''substance of this clause in subcontracts for items'' and adding ''substance of this clause in subcontracts, including subcontracts for commercial items, that are for items'' in its place.

252.225–7039 [Amended]

■ 57. Amend section 252.225–7039 by—
■ a. Removing the clause date ''(JUN 2012)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (e), removing ''in all subcontracts that will be performed'' and adding ''in all subcontracts, including subcontracts for commercial items, that will be performed'' in its place.

252.227–7013 [Amended]

■ 58. Amend section 252.227–7013 by—
■ a. Removing the clause date ''(MAY 2013)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (k)(2), removing ''contractual instrument, and require'' and adding ''contractual instrument, including subcontracts or other contractual instruments for commercial items, and require'' in its place.

252.227–7015 [Amended]

■ 59. Amend section 252.227–7015 by—
■ a. Removing the clause date ''(MAY 2013)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (e)(2), removing ''other contractual instrument, and require its subcontractors'' and adding ''other contractual instrument, including subcontracts and other contractual instruments for commercial items, and require its subcontractors'' in its place.

■ 60. Amend section 252.227–7037 by—
■ a. Revising the introductory text;
■ b. Removing the clause date ''(JUN 2012)'' and adding ''(JUN 2013)'' in its place; and
■ c. In paragraph (l), removing ''contractual instruments with its subcontractors'' and adding ''contractual instruments, including subcontracts and other contractual instruments for commercial items, with its subcontractors'' in its place.

The revision reads as follows:

252.227–7037 Validation of restrictive markings on technical data.

As prescribed in 227.7102–4(c), 227.7103–6(e)(3), 27.7104(e)(5), or 227.7203–6(f), use the following clause:

* * * * *

252.236–7013 [Amended]

■ 61. Amend section 252.236–7013 by—
■ a. Removing the clause date ''(JAN 2009)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (c), removing ''acquisition of steel as a construction material'' and adding ''acquisition of steel as a construction material, including subcontracts for the

acquisition of commercial items'' in its place.

252.237–7010 [Amended]

■ 62. Amend section 252.237–7010 by—
■ a. Removing the clause date ''(NOV 2010)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (c), removing ''in all subcontracts that may require'' and adding ''in all subcontracts, including subcontracts for commercial items, that may require'' in its place.

252.237–7019 [Amended]

■ 63. Amend section 252.237–7019 by—
■ a. Removing the clause date ''(SEP 2006)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (c), removing ''in all subcontracts that may require'' and adding ''in all subcontracts, including subcontracts for commercial items, that may require'' in its place.
■ 64. Revise section 252.244–7000 to read as follows:

252.244–7000 Subcontracts for Commercial Items.

As prescribed in 244.403, use the following clause: SUBCONTRACTS FOR COMMERCIAL ITEMS (JUN 2013)

(a) The Contractor is not required to flow down the terms of any Defense Federal Acquisition Regulation Supplement (DFARS) clause in subcontracts for commercial items at any tier under this contract, unless so specified in the particular clause.

(b) While not required, the Contractor may flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligation.

(c) The Contractor shall include the terms of this clause, including this paragraph (c), in subcontracts awarded under this contract, including subcontracts for the acquisition of commercial items.

(End of clause)

252.246–7003 [Amended]

■ 65. Amend section 252.246–7003 by—
■ a. Removing the clause date ''(JAN 2007)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (f)(2) introductory text, removing ''For those subcontracts, described in'' and adding ''For those subcontracts, including subcontracts for commercial items, described in'' in its place.

252.247–7003 [Amended]

■ 66. Amend section 252.247–7003 by—
■ a. Removing the clause date ''(SEP 2010)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (c), removing ''in all subcontracts with motor carriers'' and adding ''in all subcontracts, including subcontracts for commercial items, with motor carriers'' in its place.

252.247–7023 [Amended]

■ 67. Amend section 252.247–7023 by—
■ a. Removing the clause date ''(MAY 2002)'' and adding ''(JUN 2013)'' in its place; and
■ b. In paragraph (h) introductory text, removing ''of this clause, the Contractor shall'' and adding ''of this clause, including subcontracts for commercial items, the Contractor shall'' in its place.

[FR Doc. 2013–15030 Filed 6–24–13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 655

[Docket No. FTA–2013–0012]

RIN 2132–AB09

Alcohol and Controlled Substances Testing

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Final rule.

SUMMARY: This final rule is issued to revise sections of the Alcohol and Controlled Substances (D&A) Testing regulation to reflect recent amendments to the law. The final rule also includes technical corrections to the D&A testing regulation to more clearly explain existing compliance requirements, update regulatory terms, and remove repealed statutory provisions. Because this rule merely implements a statutory provision without agency interpretation FTA finds that public comment is unnecessary under the circumstances.

DATES: This final rule is effective on June 25, 2013.

FOR FURTHER INFORMATION CONTACT: For program issues, contact Vincent Valdes, Office of Transit Safety and Oversight (TSO), Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001 (telephone: 202–366–4052); or email: *Vincent.Valdes@dot.gov*). For legal issues, contact Bruce Walker, Office of Chief Counsel (TCC), FTA, 1200 New Jersey Avenue SE., Washington, DC 20590–0001 (telephone: 202–366–9109); (email: *Bruce.Walker@dot.gov*). Office hours are from 8 a.m. to 6 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

FTA is publishing this rule without a prior proposal because it merely incorporates recent statutory changes to FTA's drug and alcohol testing program and makes other minor technical amendments. Specifically, this rule amends 49 CFR part 655 to implement 49 U.S.C. 5331(g)(2), as amended by § 20022 of the Moving Ahead for Progress in the 21st Century Act, Public Law 112–141 (2012) (MAP–21). The new legislation provides the Secretary of the Department of Transportation (DOT) with the option of barring a recipient from receiving Federal public transportation funds, in an amount the Secretary considers appropriate, for non-compliance with FTA's D&A regulations which are codified at 49 CFR part 655. This authority is delegated to the FTA Administrator pursuant to 49 CFR 1.91.

With this rule, FTA is amending part 655 to implement this discretionary statutory enforcement remedy available to the Administrator. Additionally, this rule makes several technical corrections to part 655 that include: (1) Removing reference to 23 U.S.C. 103(e)(4) from 49 CFR part 655 as it relates to recipients of the Federal Highway Administration's Interstate Substitute Program which has been repealed; (2) replacing the terms ''mass transportation'' and ''mass transit'' with the term ''public transportation'' as defined in 49 U.S.C. 5331(a)(3); and (3) revising Subpart I to more clearly explain the statutory requirement to establish a compliant D&A testing program as a condition for receiving Federal transit funds and the associated compliance and certification requirements for recipients.

This rule simply adopts the statute without agency interpretation and includes ministerial technical corrections; therefore, pursuant to 5 U.S.C. 553(b)(3)(A), FTA finds good cause to publish this as a final rule without public comment because prior notice and comment would be unnecessary under the circumstances. Further, for these reasons, FTA also finds good cause pursuant to 5 U.S.C. 553(d)(2), to make the rule effective upon publication in the **Federal Register**.

II. Overview and General Discussion of the Rule

A. Purpose

In order to implement 49 U.S.C. 5331(g)(2), as amended by section 20222 of MAP–21, this rule amends 49 CFR part 655 to effect the FTA Administrator's discretionary authority

to bar a recipient from receiving Federal transit funds, in an amount deemed appropriate, should the recipient fail to comply with the requirements of 49 CFR part 655. FTA is also using this rule to make technical corrections to Part 655 to reflect updates that have occurred since its initial publication.

B. Section-by-Section Discussion

1. 23 U.S.C. 103(e)(4) Applicability

The Federal Highway Administration's Interstate Substitute Program authorized the Secretary to incur obligations for public transit projects, in those instances when certain interstate route projects were procedurally withdrawn, and properly authorized to be substituted with a public transportation project. To ensure that recipients of these substituted funds were subject to FTA's D&A requirements, Congress enacted section 342 of the National Highway System Designation Act, Public Law 104–59 (1995). The legislation amended 49 U.S.C. 5331(b) to specifically make recipients of 23 U.S.C. 103(e)(4) funding subject to FTA's D&A regulations.

In 2001, FTA issued 49 CFR part 655 to implement the drug and alcohol testing requirements of 49 U.S.C. 5331(b). Although at the time, the Interstate Substitute Program had been repealed, 49 U.S.C. 5331(b) continued to statutorily apply to recipients of 23 U.S.C. 103(e)(4) funds. In 2005, enacted a technical correction with section 3030(b) of SAFETEA–LU which amended 49 U.S.C. 5331(b) by removing its applicability to recipients of 23 U.S.C. 103(e)(4) program funds. FTA is now correcting Part 655 by removing reference to 23 U.S.C. 103(e)(4) recipients as follows: (1) § 655.3(1)(ii) and § 655.3(2)(ii); (2) the definition of *recipient* in § 655.4, § 655.81; and (3) § 655.82 (a) and (c).

2. 49 U.S.C. 5331(a)(3) Definition of Public Transportation

FTA is revising §§ 655.4 and 655.44 by replacing the terms ''mass transportation'' and ''mass transit.'' with the term ''public transportation.'' This technical correction is warranted because statutory references to modes of public conveyance have changed since the initial publication of FTA's D&A regulation. To that end, FTA is updating Part 655 to reflect the statutory meaning of public transportation as defined by 49 U.S.C. 5331(a)(3). Specifically, the terms will be replaced in the definitions of *accident, employer,* and *vehicle* in § 655.4 and in the text of § 655.44(a)(1) and (2).

3. Section 655.82 Compliance

FTA is amending the text of § 655.82 (a) to more accurately reflect as mandatory, the statutory requirement of 49 U.S.C. 5331(g)(1). As with the current text of paragraph (a), the revised text explains that recipients receiving Federal funding under 49 U.S.C. 5307, 5309, or 5311 are required to establish a D&A testing program, in accordance with 49 CFR part 655, as a condition for receiving Federal financial assistance. However, the revised text provides clarity by indicating that a recipient ''*shall not*'' instead of ''*may not*'' be eligible for Federal transit assistance for failing to establish and implement a compliant D&A program. This correction more clearly reflects the existing statutory requirement of establishing a compliant D&A program as a condition for receiving Federal financial assistance.

FTA is revising paragraph (b) to implement the additional discretionary remedy authorized by 49 U.S.C. 5331(g)(2) as amended by MAP–21. The revised text indicates that the Administrator now has discretion to bar a recipient's current or future Federal transit financial assistance in appropriate amounts for failure to comply with the requirements of 49 CFR part 655. Paragraph (c) is also revised to reflect the requirements in the current § 655.82(b) because the criminal fraud provision of 18 U.S.C. 1001 remains in effect.

This rule also redesignates the current requirement of § 655.83(d) as a new § 655.82(d) to better align with the compliance requirements of section § 655.82. Specifically, the amended § 655.82(d) continues to indicate the consequences for non-compliance for recipients who are also subject to the U.S. Coast Guard drug and alcohol testing requirements. Pursuant to § 655.3(c), ferryboat operators will continue to have administrative relief by only having to observe applicable Coast Guard D&A testing requirements. However, as recipients of Federal transit funds, they remain subject to FTA noncompliance remedies if they fail to comply with the Coast Guard's D&A regulations.

4. Section 655.83 Certification

This rule revises paragraphs (a) and (c) of this section and redesignates § 655.83(d) as a new § 655.82(d) as noted above. The revised paragraph (a) more fully explains the consequence for failing to appropriately certify compliance. In addition, the revised paragraph (c) clarifies the certifying requirements for recipients that administer pass-through funding to subrecipients and contractors. Similar to the current § 655.82(c), the revised paragraph (c) notes the certification requirements for States that administer pass-through Federal transit funding; however, the revision clarifies the existing certification requirements for other recipients who also administer pass-through Federal financial assistance under 49 U.S.C. 5307, 5309, or 5311. Specifically, any recipient who administers pass-through Federal funding is required to certify that its subrecipients and contractors are in compliance with the requirements of part 655. The revised § 655.83(c) also continues to reflect the authority noted in the current § 655.82(c), which permits a recipient who administers pass-through Federal funding to suspend the funding of a subrecipient or contractor for failure to comply with part 655.

Executive Order 12866 and 13563

Executive Order 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule implement changes made by MAP–21 to FTA's D&A regulation and are administrative in nature. FTA has determined that this action is not a significant regulatory action under section 3(f) of Executive Order 12866, nor is it significant within the meaning of Department of Transportation regulatory policies and procedures.

This rule provides technical corrections to FTA's alcohol misuse and controlled substance testing regulatory requirements and implements an additional administrative remedy for potential violations of those regulatory requirements. The only entities affected by this proposed rule are those public transportation providers currently subject to FTA's alcohol misuse and controlled substance testing regimen. This rule does not require any additional costs associated with compliance. It is anticipated that the economic impact of this rulemaking would be minimal. Accordingly, it has not been reviewed by the Office of Management and Budget.

This rule is not expected to impose any new compliance costs, and would

not adversely affect, in any material way, any sector of the economy. There are no significant changes to the existing program with the publication of this rulemaking. Additionally, this rule does not interfere with any action planned by another agency and does not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because this rule promulgates discretionary authority enacted by Congress under MAP–21, FTA has determined that it has good cause to adopt the rule without notice and comment; therefore, RFA analysis is not required. Additionally, this administrative action will result in no significant economic impact nor impose any additional cost to small entities that are subject to alcohol misuse and controlled substance testing requirements of 49 CFR part 655.

Paperwork Reduction Act

This rule does not contain a collection of information that is subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Under the provisions of the Paperwork Reduction Act, FTA may not conduct or sponsor, and a person is not required to respond to or may not be penalized for failing to comply with, a collection of information unless it displays a currently valid OMB control number.

Executive Order 13132, Federalism

Executive Order 13132 sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have Federalism implications. That is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

FTA has reviewed this rule under the threshold criteria of Executive Order 13132 on Federalism and certifies that the rule would not have Federalism implications as defined by the Executive Order. The rule would not significantly affect the rights, roles, and responsibilities of States, and would not involve preemption of State law, nor would it limit State policymaking discretion.

Unfunded Mandates Reform Act

This rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, 2 USC 1501 et seq., and any enforceable duties that FTA would impose are a condition of Federal assistance or a duty arising from participation in a voluntary Federal program. This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $148.1 million or more in any one year (2 U.S.C. 1532).

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this action under Executive Order 13175, and believes that it would not have substantial direct effects on one or more Indian tribes; would not impose substantial direct compliance costs on Indian tribal governments; and would not preempt tribal law. Therefore, a tribal summary impact statement is not required.

Executive Order 12988 (Civil Justice Reform)

This action 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 regulatory burden.

Accordingly, for reasons discussed in the preamble, FTA amends 49 CFR part 655 as follows:

PART 655—PREVENTION OF ALCOHOL MISUSE AND PROHIBITED DRUG USE IN TRANSIT OPERATIONS

■ 1. The authority citation for part 655 is revised to read as follows:

Authority: 49 U.S.C. 5331 (as amended); 49 CFR 1.91

■ 2. Amend § 655.3 by revising paragraphs (a)(1) and (2) to read as follows:

§ 655.3 Applicability.

(a) * * *

(1) Each recipient and subrecipient receiving Federal assistance under 49 U.S.C. 5307, 5309, or 5311; and

(2) Any contractor of a recipient or subrecipient of Federal assistance under 49 U.S.C. 5307, 5309, 5311.

* * * * *

■ 3. In § 655.4:

■ a. In paragraph (4) of the definition of ''accident,'' remove the words ''mass transit'' and add in their place the words ''public transportation'';

■ b. In the definition of ''employer,'' remove the words ''mass transportation'' and add in their place the words ''public transportation'';

■ c. Revise the definition of ''recipient''; and

■ d. In the definition of ''vehicle,'' remove the words ''mass transit'' and ''mass transportation'' and add in their place the words ''public transportation''.

The revision reads as follows:

§ 655.4 Definitions.

* * * * *

Recipient means a person that receives Federal financial assistance under 49 U.S.C. 5307, 5309, or 5311 directly from the Federal Government.

* * * * *

§ 655.44 [Amended]

■ 4. In § 655.44, remove the words ''mass transit'' from paragraphs (a)(1)(i) and (a)(2)(i) and add the words ''public transportation'' in their place.

■ 5. Revise § 655.81 to read as follows:

§ 655.81 Grantee oversight responsibility.

A recipient shall ensure that a subrecipient or contractor who receives 49 U.S.C. 5307, 5309, or 5311 funds directly from the recipient complies with this part.

■ 6. Revise § 655.82 to read as follows:

§ 655.82 Compliance as a condition of financial assistance.

(a) A recipient shall not be eligible for Federal financial assistance under 49 U.S.C. 5307, 5309, or 5311, if a recipient fails to establish an anti-drug and alcohol misuse program in compliance with this part.

(b) If the Administrator determines that a recipient that receives Federal financial assistance under 49 U.S.C. 5307, 5309, or 5311 is not in compliance with this part, the Administrator may bar the recipient from receiving Federal financial assistance in an amount the Administrator considers appropriate.

(c) A recipient is subject to criminal sanctions and fines for false statements or misrepresentations under 18 U.S.C. 1001.

(d) Notwithstanding § 655.3, a recipient operating a ferryboat regulated by the USCG who fails to comply with the USCG chemical and alcohol testing requirements, shall be in noncompliance with this part and may be barred from receiving Federal financial assistance in an amount the Administrator considers appropriate.

■ 7. Amend § 655.83 by revising paragraphs (a) and (c) and removing paragraph (d).

The revisions read as follows:

§ 655.83 Requirement to certify compliance.

(a) A recipient of Federal financial assistance under section 5307, 5309, or 5311 shall annually certify compliance with this part to the applicable FTA Regional Office.

* * * * *

(c) Recipients, including a State, that administers 49 U.S.C. 5307, 5309, or 5311 Federal financial assistance to subrecipients and contractors, shall annually certify compliance with the requirements of this part, on behalf of its applicable subrecipient or contractor to the applicable FTA Regional Office. A recipient administering section 5307, 5309, or 5311 Federal funding may suspend a subrecipient or contractor from receiving Federal transit funds for noncompliance with this part.

Issued on: June 20, 2013.

Peter Rogoff,

Administrator.

[FR Doc. 2013–15176 Filed 6–24–13; 8:45 am]

BILLING CODE P

Proposed Rules

Federal Register
Vol. 78, No. 122
Tuesday, June 25, 2013

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

DEPARTMENT OF ENERGY

10 CFR Part 429

[Docket No. EERE–2013–BT–NOC–0023]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Open Teleconference/Webinar

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open Teleconference/Webinar.

SUMMARY: This document announces a meeting of the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC). The Federal Advisory Committee Act, PublicLaw 92–463, 86 Stat. 770, requires that agencies publish notice of an advisory committee meeting in the **Federal Register**.

DATES: Thursday, June 27, 2013 at 3:00 p.m.–5:00 p.m. (EDT).

ADDRESSES: Teleconference/Webinar Only, you may register at *https://www1.gotomeeting.com/register/265936657.* Upon registering you will receive the appropriate call-in information as well.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, ASRAC Designated Federal Officer, Supervisory Operations Research Analyst, U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy, 950 L'Enfant Plaza SW., Washington, DC 20024. Email: *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and recommendations to the Energy Department on the development of standards and test procedures for residential appliances and commercial equipment, certification and enforcement of standards, and product labeling.

Tentative Agenda: (Subject to change; final agenda will be posted at *www.appliancestandards.energy.gov*):

- Update on Commercial HVAC, Water Heating, and Refrigeration Certification Working Group efforts.
  - Openly review and deliberate on working group's formed recommendations on Alternate Efficiency Determination Methods.
- Open deliberation on possibly establishing a working group to explore negotiated rulemaking for commercial/industrial pumps.
- Set date for next in person meeting.

Public Participation: Members of the public are welcome to observe the business of the meeting and, if time allows, may make oral statements during the specified period for public comment. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, email *asrac@ee.doe.gov.* In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures.

Members of the public will be heard in the order in which they sign up for the Public Comment Period. Time allotted per speaker will depend on the number of individuals who wish to speak but will not exceed five minutes. Reasonable provision will be made to include the scheduled oral statements on the agenda. The co-chairs of the Committee will make every effort to hear the views of all interested parties and to facilitate the orderly conduct of business.

Participation in the meeting is not a prerequisite for submission of written comments. ASRAC invites written comments from all interested parties. Any comments submitted must identify the ASRAC, and provide docket number EERE–2013–BT–NOC–0005. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email: ASRAC@ee.doe.gov.* Include docket number EERE–2013–BT–NOC–0005 in the subject line of the message.
3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The Secretary of Energy has approved publication of today's notice of proposed rulemaking.

Issued in Washington, DC, on June 19, 2013.

Kathleen B. Hogan,

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

[FR Doc. 2013–15124 Filed 6–24–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 460

[Docket No. EERE–2009–BT–BC–0021]

RIN 1904–AC11

Energy Efficiency Standards for Manufactured Housing

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for Information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) has initiated the process to develop and publish energy standards for manufactured housing, as directed by the Energy Independence and Security Act of 2007 (EISA). To facilitate this process, enhance the quality of the standards and supporting documentation, and to allow interested parties to provide suggestions, comments, and information, DOE is publishing this request for information.

DOE is interested in receiving information that relates to the relationship between energy efficiency and indoor air quality in manufactured housing, financing measures that may be available for manufactured homes with higher energy efficiencies, and possible enforcement models for the DOE standards. This notice identifies several areas on which DOE is particularly interested in receiving information; however, any input and suggestions considered relevant to DOE's effort are welcome.

DATES: Written comments and information are requested on or before July 25, 2013.

ADDRESSES: Interested parties are encouraged to submit comments electronically. However, interested persons may submit comments, identified by docket number EERE–2009–BT–BC–0021 or by RIN 1904–AC11, by any of the following methods:

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

2. *Email: Manufactured.Housing@ee.doe.gov.* Include docket number EERE–2009–BT–BC–0021 in the subject line of the message. Please include the full body of your comments in the text of the message or as an attachment.

3. *Mail:* Address written comments to Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt.

This RFI and any comments that DOE receives will be made available on the DOE Building Technologies Office Manufactured Housing Web site at *https://www.energycodes.gov/regulations/manufactured-housing-standards.*

FOR FURTHER INFORMATION CONTACT: Mr. Mohammed Khan, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121; (202) 586–7892; *mailto: Manufactured_Housing@ee.doe.gov.* Questions on DOE's legal authority should be directed to Michael Jensen, U.S. Department of Energy, Office of the General Counsel (GC–71), 1000 Independence Avenue SW., Washington, DC 20585; *Michael.Jensen@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Authority and Background

Section 413 of EISA requires that DOE establish by regulation standards for energy efficiency in manufactured housing. *See* 42 U.S.C. 17071(a)(1). DOE is directed to base the energy efficiency standards on the most recent version of the International Energy Conservation Code (IECC), except where DOE finds that the IECC is not cost effective, or a more stringent standard would be more cost effective, based on the impact of the IECC on the purchase price of manufactured housing and on total life-cycle construction and operating costs. *See* 42 U.S.C. 17071(b)(1). In establishing the energy efficiency standards, DOE is directed to consider:

- The design and factory construction techniques of manufactured housing,
- The climate zones established in the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (the HUD Code) rather than the climate zones in the IECC, and
- Alternative practices that result in net estimated energy consumption equal to or less than the specific IECC standards. *See* 42 U.S.C. 17071(b)(2).

In addition, DOE is to provide a system for enforcement in which ''[a]ny manufacturer of manufactured housing that violates a provision of the regulations under subsection (a) is liable to the United States for a civil penalty in an amount not exceeding 1 percent of the manufacturer's retail list price of the manufactured housing.'' *See* 42 U.S.C. 17071(c).

On February 22, 2010, DOE published an advance notice of proposed rulemaking (ANOPR) to initiate the process of developing energy efficiency standards for manufactured housing and to solicit information and data from industry and stakeholders (75 FR 7556). The ANOPR identified thirteen specific issue areas on which DOE sought additional information. DOE received a total of twelve written comments in response to the ANOPR, all of which are available for public viewing at the regulations.gov Web page.

DOE now believes it is important to allow interested parties an additional opportunity to provide information they feel will assist DOE in developing the proposed standards. This initial request for input will be followed by a notice of proposed rulemaking, based on the information received as a result of this notice and other data and information gathered by DOE.

Public Participation

A. Submission of Information

DOE will accept comments in response to this notice under the timeline provided in the **DATES** section above. Comments submitted to DOE by email should be provided in WordPerfect, Microsoft Word, PDF, or text file format. Those responding should avoid the use of special characters or any form of encryption, and wherever possible, comments should include the electronic signature of the author. Comments submitted to DOE by mail or hand delivery/courier should include one signed original paper copy. No telefacsimiles will be accepted.

Comments submitted in response to this notice will become a matter of public record and will be made publicly available.

B. Issues on Which DOE Seeks Information

DOE is particularly interested in receiving information on the following issues:

(1) Indoor Air Quality. DOE is interested in data, studies, and other such materials that address the relationship between potential reductions in levels of natural air infiltration and both indoor air quality and occupant health for a manufactured home. DOE is particularly interested in information on the potential interplay between air exchange rates comparable to those specified under the 2012 IECC and emission control requirements under the HUD Code. DOE also is interested in information on typical baseline levels of air infiltration through recently-built manufactured homes and information on the role of total air flow through a manufactured home in the protection of occupant health and safety.

(2) Financing and related incentives. DOE received comments in response to the ANOPR that noted generally that the increased cost of financing energy efficient manufactured homes often can be an obstacle to purchase. DOE is interested in receiving additional information on the types of financing available for manufactured homes, the

availability of this financing, the extent to which manufactured housing currently is incentivized, and the availability of energy efficiency incentive programs available to manufactured home purchasers. DOE also is interested in information on the existence of financing structures offered by utilities, manufacturers, lenders, and federal, state, and local governments, and the estimated payback associated with each method of financing.

(3) Model systems of enforcement. DOE received comments in response to the ANOPR that included urging DOE to rely on HUD's existing enforcement system rather than develop a separate DOE system of enforcement, encouraging DOE develop a separate compliance certification system that would be independent of the existing HUD certification system, and recommending that DOE rely on the EPA ENERGY STAR verification and labeling program to ensure compliance with the DOE energy efficiency standards. DOE is interested in receiving additional information that commenters believe would be useful to DOE regarding suggested characteristics in developing a model system of enforcement for DOE's energy efficiency standards.

(4) Suggested sources, studies, and research results of other information considered relevant to DOE's effort to establish energy standards for manufactured housing.

Issued in Washington, DC, on June 18, 2013.

Kathleen B. Hogan,

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

[FR Doc. 2013–15055 Filed 6–24–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–0611; Airspace Docket No. 11–AWP–11]

Proposed Amendment of Class D Airspace; Santa Monica, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: This SNPRM would further modify the Class D airspace area at Santa Monica Municipal Airport, Santa Monica, CA. In a NPRM published in the **Federal Register** of October, 27, 2011, the FAA proposed to create additional Class D airspace at Santa Monica Municipal Airport. The FAA has reassessed the proposal and finds that further enlargement of the airspace area is necessary for the safety and management of Instrument Flight Rules (IFR) operations in the Santa Monica, CA, area. The geographic coordinates of the airport also would be adjusted.

DATES: Comments must be received on or before August 9, 2013.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2011–0611; Airspace Docket No. 11–AWP–11, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

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

SUPPLEMENTARY INFORMATION:

History

On October 27, 2011, the FAA published a NPRM to modify Class D airspace, at Santa Monica Municipal Airport, Santa Monica, CA (76 FR 66662). The comment period closed December 12, 2011. No comments were received. Subsequent to publication, the Los Angeles Visual Flight Rules (VFR) Airspace Task Force identified airspace in the areas adjacent to Los Angeles International Airport as highly congested with participating and non-participating VFR aircraft. This action would increase the level of safety for aircraft in the Santa Monica, CA, airspace area. The FAA seeks comments on this SNPRM.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2011–0611 and Airspace Docket No. 11–AWP–11) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2011–0611 and Airspace Docket No. 11–AWP–11''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Supplemental Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by further modifying the size of the Class D airspace area at Santa Monica Municipal Airport, Santa Monica, CA, to accommodate IFR aircraft departing and arriving at the airport. The airspace would be increased from a 2.7-mile radius to a 4-mile radius of the airport, leaving the extension to the northeast the same as the NPRM. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database. Expanding the current Santa Monica Municipal Airport Class D airspace would reduce those areas that pose a high collision risk to low level commercial, general aviation, military and helicopter operations.

Class D airspace designations are published in paragraph 5000, 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 D airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for 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 the 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 would modify controlled airspace at Santa Monica Municipal Airport, Santa Monica, CA.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D airspace.

* * * * *

AWP CA D Santa Monica, CA [Modified]

Santa Monica Municipal Airport, CA
(Lat. 34°00′57″ N., long. 118°27′05″ W.)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4-mile radius of the Santa Monica Municipal Airport and within 1.5 miles each side of the 047° bearing of the Santa Monica Airport extending from the 4-mile radius to 4.6 miles northeast of the airport, excluding that airspace within the Los Angeles, CA, Class D airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Seattle, Washington, on June 17, 2013.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–15133 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 502

Electronic One Touch Bingo System

AGENCY: National Indian Gaming Commission.

ACTION: Request for Public Comment.

SUMMARY: The National Indian Gaming Commission (NIGC) is seeking comment on a proposed reinterpretation of an agency decision regarding the classification of server based electronic bingo system games that can be played utilizing only one touch of a button (''one touch bingo''). The proposed reinterpretation is in response to questions the NIGC received from the regulated community and the public about whether one touch bingo is a Class II or Class III game.

DATES: The agency must receive comments on or before August 26, 2013.

ADDRESSES: You may submit comments to the Commission by any one of the following methods, but please note that comments sent by electronic mail are strongly encouraged.

- *Email comments to: reg.review@nigc.gov.*
- *Mail comments to:* National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005.
- *Hand deliver comments to:* 1441 L Street NW., Suite 9100, Washington, DC 20005.
- *Fax comments to:* National Indian Gaming Commission at 202–632–0045.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005. Telephone: 202–632–7009; email: *reg.review@nigc.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

This notice is directed to the public in general and may be of interest to a wide range of parties, including, but not limited to, tribal gaming operations, tribal gaming regulators, and tribal, state, and local governments. The NIGC is inviting interested parties to participate in this proposed reinterpretation by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned decisions on the proposal.

II. Background

The NIGC has received several questions from the regulated community regarding the status of one touch bingo as a Class II or a Class III game pursuant to the Indian Gaming Regulatory Act (IGRA). In an electronic one touch bingo game, the player inserts money into the gaming machine, which is connected to other bingo machines in an electronically linked bingo system, and presses a button once to play a game of bingo. This, according prior NIGC Office of General Counsel legal opinions and a Chairman's decision on a game-specific tribal gaming ordinance, does not constitute Class II bingo because it does not require players to participate in the bingo game by taking further action to cover the numbers on the cards.

In 2008, the Metlakatla Indian Community submitted an amendment to its tribal gaming ordinance which defined Class II gaming as including one touch bingo. Specifically, the Community set forth the following definition: ''Class II gaming includes an electronic, computer or other technologic aid to the game of bingo that, as part of an electronically linked bingo system, assists the player by covering, without further action by the player, numbers or other designations on the player's electronic bingo card(s) when the numbers or other designations arc electronically determined and electronically displayed to the player.'' Chairman Hogen disapproved the ordinance amendment based on this definition. The Chairman's decision (Metlakatla Decision or Decision) provided a detailed explanation of the game of bingo and the elements that must be present for it to be a Class II game. According to the Decision, the game of bingo under IGRA has certain specific, essential elements, including the requirement that a player cover the drawn numbers on a bingo card and that the game be won by the first person to do so. 25 U.S.C 2703(7)(A)(i)(II) and (III). The Chairman reasoned that inherent in the ''first person covering'' language is an element of competition—namely, multiple players competing with one another to be the first to cover a particular pattern. According to the Metlakatla Decision, that competition does not exist in a one touch bingo game. Without the element of competition through player participation, then, the Decision concluded that one touch bingo does not meet the requirements of IGRA's *Class II gaming* definition.

The Metlakatla Decision also concluded that one touch bingo is not a Class II ''game similar to bingo.'' The Decision reasoned that, because one touch bingo does not include the requisite element of competition, it cannot meet the NIGC's regulatory definition of *other games similar to bingo,* which requires the game to ''permit players to compete against each other.'' Finally, the Decision determined that allowing the game system, rather than the player, to ''cover'' the bingo card incorporates all characteristics of the game of bingo into an electronic machine and system, and thereby renders one touch bingo a Class III electronic facsimile of a game of chance.

The Commission, however, finds that the more reasonable interpretation of IGRA's definition of Class II gaming leads the conclusion that one touch bingo is a Class II bingo game. The NIGC proposes to reinterpret the position regarding one touch bingo as set forth in the Metlakatla Ordinance disapproval and is seeking comment on this proposal. The NIGC believes that this proposed reinterpretation is more in keeping with IGRA's definition of bingo and will bring clarity to the industry.

III. Summary of Proposed Reinterpretation

Pursuant to IGRA, Class II bingo has three elements. First, it must be played for prizes, including monetary prizes, with cards bearing numbers or other designations. Next, the holder of the card must cover such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined. Finally, the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards. 25 U.S.C. 2703(7)(A)(i)(I)–(III).

One touch bingo meets IGRA's statutory requirements for a game of bingo. The type of one touch game at issue here is played for prizes, usually money, on a card bearing numbers or symbols. It also satisfies IGRA's second element that ''the holder of the card covers [the] numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined.'' In one touch bingo, the player covers the numbers or designations when drawn. That step is achieved by the assistance of a machine via the first, and only, touch of the button. Finally, the game meets the third element. The machine assists the player in being the first person to cover the designated arrangement, and the game is won by the first person to cover the pre-designated winning pattern in the electronically linked bingo system.

The Ninth Circuit Court of Appeals has held that the 3 elements of IGRA and NIGC regulations for bingo are all that the law requires for Class II bingo. *United States* v. *103 Elec. Gambling Devices,* 223 F.3d 1091, 1096 (9th Cir. 2000) (''IGRA's three explicit criteria, we hold, constitute the sole legal requirements for a game to count as class II bingo''); *see also United States* v. *162 MegaMania Gambling Devices,* 231 F.3d 713, 719 (10th Cir. 2000) (finding that Section 2703(7) sets forth 3 explicit criteria for classification of Class II). Further, the court in *103 Electronic Gambling Devices* held that ''there is nothing in IGRA or its implementing regulations . . . that requires a player to independently locate each called number on each of the player's cards and manually 'cover' each number independently and separately. The statute and the implementing regulations merely require that a player cover the numbers without specifying how they must be covered.'' *United States* v. *103 Elec. Gambling Devices, supra* at 18.

Thus, the previous interpretation's requirement that the cover of the bingo card be done manually by the player through an additional pressing of a button is an additional requirement not mandated by the statute. Player participation in an electronically linked one touch bingo game still exists and players are actively and actually participating in the game. Whether a player presses a button one time or two, the player is engaging with the machine, participating in the bingo game, and competing with fellow players on the electronically linked bingo system.

Likewise, in one touch bingo, the possibility that more than one player can simultaneously get ''bingo'' does not conflict with IGRA's requirement that the game be won by ''the first person to cover.'' In *United States* v. *162 Megamania Gambling Devices,* 231 F.3d 713 (10th Cir. Okla. 2000), the United States sought to seize bingo machines operated by various Oklahoma tribes for Johnson Act violations. The government argued, in part, that MegaMania was a Class III game ''because a player does not have to be the first player to cover the designated pattern of numbers to win.'' *Id.* at 721.

In response, the 10th Circuit Court of Appeals underscored the lower court determination that ''nothing in the Gaming Act or regulations prohibits more than one winner'' and held that ''the language in [IGRA] concerning the 'first person' to win is not limited to a straight-line game and should not be read in isolation from the traditional variations of bingo that allow interim prizes and simultaneous winners.'' *Id.* at 722. Accordingly, a machine that allows two simultaneous bingos in a game may

still be a Class II bingo machine. *Id.; See also 103 Electronic Gaming Devices,* 223 F.3d at 1098–99 (the 9th Circuit reached the same conclusion, holding ''winning'' does not necessarily mean ''vanquishing'' all other opponents, and identifying Congress' intent to permit interim prizes, given that some traditional variants of bingo allow them.).

Nor does the fact that a game of bingo can be played with one touch of a button by itself transform the machines into a Class III electronic facsimile of the game of bingo. One touch bingo does not incorporate all of the characteristics of bingo. The machine, for example, does not replicate the competitive element of bingo. Players still compete with other players, not the machine.

Also, there is an exception for bingo in the regulatory definition of electronic facsimile, which exempts electronic bingo that broadens player participation by allowing multiple players to play with or against each other rather than with or against a machine. As this proposed reinterpretation finds that one touch bingo meets the statutory definition of the game of bingo and does not incorporate all the characteristics of bingo into the machine, the application of the exception is not necessary. However, the previous interpretation concluded ''as it is applied to bingo, . . . the ''except when'' language of 502.8 [] require[s] some—even minimal participation in the game by the players above and beyond the mere pressing of a button to begin the game.'' We find this interpretation in error because whether a game constitutes bingo or not cannot be reduced to the number of times a button is pushed. Rather, as set out above, we must look to whether the statutory elements of the game are met. And, as also set out above, we find that for one touch bingo they are. One touch bingo does incorporate player participation in the game beyond the pressing of a button.

Finally, the Commission should give consideration to an interpretation of bingo that embraces rather than stifles technological advancements in gaming. The Senate Select Committee on Indian Affairs affirmed in its report regarding the Indian Gaming Regulatory Act that it ''intends that tribes be given the opportunity to take advantage of modern methods of conducting Class II games and the language regarding technology is designed to provide maximum flexibility.'' S. Rep. No. 100–446 at p. A–9. In explaining its policy toward technology, a key distinction for the Committee was that technological aids are ''readily distinguishable from the use of electronic facsimiles in which a single participant plays a game with or against a machine rather than with or against other players.'' *Id.* One touch bingo does not change that fundamental aspect of bingo. Whether played on a one or two touch machine in a linked system, the player is still competing with other bingo players for a prize.

For all of the above reasons, the NIGC proposes to reinterpret its position on one touch bingo, as previously set forth in the June 4, 2008 decision disapproving the Metlakatla Indian Community's Tribal Gaming Ordinance.

Dated: June 19, 2013, Washington, DC.

Daniel J. Little,

Commissioner.

Tracie L. Stevens,

Chairwoman.

[FR Doc. 2013–15031 Filed 6–21–13; 11:15 am]

BILLING CODE 7565–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–0129]

RIN 1625—AA08

Special Local Regulations; Marine Events, Spa Creek and Annapolis Harbor; Annapolis, MD

AGENCY: Coast Guard, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Coast Guard is withdrawing its proposed rule concerning amendments to the regattas and marine parades regulations. The rulemaking was initiated to establish special local regulations during the swim segment of the ''TriRock Triathlon Series,'' a marine event to be held on the waters of Spa Creek and Annapolis Harbor on July 20, 2013. The Coast Guard was notified on May 21, 2013, that the event had been cancelled.

DATES: The proposed rule is withdrawn on June 25, 2013.

ADDRESSES: The docket for this withdrawn rulemaking is available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* inserting USCG–2013–0129 in the ''SEARCH'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, call or email Mr. Ronald Houck, Waterways Management Division, Sector Baltimore, MD, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.* If you have questions on viewing material in the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background

On April 3, 2013, we published a notice of proposed rulemaking entitled ''Special Local Regulations; Marine Events, Spa Creek and Annapolis Harbor; Annapolis, MD'' in the **Federal Register** (78 FR 20066). The rulemaking concerned the Coast Guard's proposal to establish temporary special local regulations on specified waters of Spa Creek and Annapolis Harbor at Annapolis, MD, effective from 6 a.m. to 9:30 a.m. on July 20, 2013. The regulated area included all waters of the Spa Creek and Annapolis Harbor, from shoreline to shoreline, bounded by a line drawn near the entrance of Spa Creek originating at latitude 38°58′40″ N, longitude 076°28′49″ W, thence south to latitude 38°58′32″ N, longitude 076°28′45″ W. The regulated area is bounded to the southwest by a line drawn from latitude 38°58′34″ N, longitude 076°29′05″ W thence south to latitude 38°58′27″ N, longitude 076°28′55″ W, located at Annapolis, MD. The regulations were needed to temporarily restrict vessel traffic during the event to provide for the safety of participants, spectators and other transiting vessels.

Withdrawal

The Coast Guard is withdrawing this rulemaking because the event has been cancelled.

Authority

We issue this notice of withdrawal under the authority of 33 U.S.C. 1233.

Dated: June 3, 2013.

Kevin C. Kiefer,

Captain, U.S. Coast Guard, Captain of the Port Baltimore.

[FR Doc. 2013–15092 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–0181]

RIN 1625–AA08

Special Local Regulations; Marine Events, Breton Bay; St. Mary's County, Leonardtown, MD

AGENCY: Coast Guard, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Coast Guard is withdrawing its proposed rule concerning amendments to the regattas and marine parades regulations. The rulemaking was initiated to establish special local regulations during the ''Annual Leonardtown Wharf Boat Races,'' a marine event to be held on the waters of Breton Bay in St. Mary's County, Maryland on July 13, 2013, and July 14, 2013. The Coast Guard was notified on April 23, 2013, that the event had been cancelled.

DATES: The proposed rule is withdrawn on June 25, 2013.

ADDRESSES: The docket for this withdrawn rulemaking is available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* inserting USCG–2013–0181 in the ''SEARCH'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, call or email Mr. Ronald Houck, Waterways Management Division, Sector Baltimore, MD, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.* If you have questions on viewing material in the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 2013, we published a notice of proposed rulemaking entitled ''Special Local Regulations; Marine Events, Breton Bay; St. Mary's County, Leonardtown, MD'' in the **Federal Register** (78 FR 21864). The rulemaking concerned the Coast Guard's proposal to establish temporary special local regulations on specified waters of Breton Bay, in St. Mary's County, MD, effective from 8 a.m. on July 13, 2013 to 5 p.m. on July 14, 2013. The regulated area included all waters of Breton Bay, from shoreline to shoreline, within an area bounded to the east by a line drawn along latitude—38°16′45″ N, and bounded to the west by a line drawn along longitude 076°38′30″ W, located at Leonardtown, MD. The regulations were needed to temporarily restrict vessel traffic during the event to provide for the safety of participants, spectators and other transiting vessels.

Withdrawal

The Coast Guard is withdrawing this rulemaking because the event has been cancelled.

Authority

We issue this notice of withdrawal under the authority of 33 U.S.C. 1233.

Dated: June 3, 2013.

Kevin C. Kiefer,

Captain, U.S. Coast Guard, Captain of the Port Baltimore.

[FR Doc. 2013–15095 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[EPA–HQ–OAR–2009–0234; EPA–HQ–OAR–2011–0044, FRL–9827–1]

RIN 2060–AR62

Reconsideration of Certain Startup/Shutdown Issues: National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Reopening of Comment Period.

SUMMARY: On November 30, 2012, the EPA published in the **Federal Register** the proposed rule, ''Reconsideration of Certain New Source and Startup/Shutdown Issues: National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units.'' That proposal opened for reconsideration certain issues, including those related to startup and shutdown. On April 24, 2013, we finalized reconsideration of all the issues included in the proposed rule except those related to startup and shutdown. The EPA is reopening the public comment period for the proposed reconsideration to solicit additional input on specific issues raised during the initial public comment period related to the proposed revisions to the requirements and definitions related to periods of startup and shutdown. The EPA also requests comment on the additional technical analyses it conducted in response to public comments on this subject in Docket ID EPA–HQ–OAR–2009–0234. The National Emission Standards for Hazardous Air Pollutants (NESHAP) rule is referred to as the Mercury and Air Toxics Standards (MATS), and the New Source Performance Standards rule is referred to as the Utility NSPS.

DATES: *Comments.* Comments must be received on or before August 26, 2013.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID. EPA–HQ–OAR–2011–0044 (NSPS action) or Docket ID EPA–HQ–OAR–2009–0234 (NESHAP/MATS action), by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–1741.
- *Mail:* Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of two copies. The EPA requests a separate copy also be sent to the contact person identified below (see **FOR FURTHER INFORMATION CONTACT**).
- *Hand Delivery*: Air and Radiation Docket and Information Center, U.S. EPA, Room B102, 1301 Constitution Avenue NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions. All submissions must include agency name and respective docket number or Regulatory Information Number (RIN) for this rulemaking. All comments will be posted without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information

whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket. All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available (*e.g.,* CBI or other information whose disclosure is restricted by statute). Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, 1301 Constitution Avenue NW., Washington, DC. 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 Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For the NESHAP action: Mr. William Maxwell, Energy Strategies Group, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; Telephone number: (919) 541–5430; Fax number (919) 541–5450; Email address: *maxwell.bill@epa.gov.* For the NSPS action: Mr. Christian Fellner, Energy Strategies Group, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; Telephone number: (919) 541–4003; Fax number (919) 541–5450; Email address: *fellner.christian@epa.gov.*

SUPPLEMENTARY INFORMATION: On February 16, 2012, the EPA issued the final MATS and Utility NSPS (77 FR 9304). In the final MATS rule, the EPA included a work practice standard applicable during periods of startup and shutdown rather than finalizing the proposed requirement that sources comply with numerical limits during such periods. In the Utility NSPS, the EPA included the same work practice for particulate matter (PM) emissions during periods of startup and shutdown. The work practice standard was designed to minimize emissions of hazardous air pollutants (HAP) and PM during periods of startup and shutdown by requiring sources to maximize the use of clean fuels during such periods when electric utility steam generating unit (EGU) temperatures and air flow may not be sufficient to effectively engage certain air pollution control devices (APCD). Because the agency did not propose a work practice standard for periods of startup and shutdown, the EPA determined that it was appropriate to reconsider the startup and shutdown provisions to allow the public an opportunity to comment on the requirements.

On November 30, 2012, the EPA published in the **Federal Register** the proposed rule, ''Reconsideration of Certain New Source and Startup/Shutdown Issues: National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'' (77 FR 71323). The November 30, 2012, action announced, among other things, reconsideration of certain new source standards for MATS and the requirements applicable during periods of startup and shutdown for MATS and the startup and shutdown provisions related to the PM standard in the Utility NSPS and proposed revisions to these identified provisions. The EPA also proposed certain technical corrections. On April 24, 2013, the EPA finalized reconsideration on all issues except those related to startup and shutdown (including related technical corrections) (78 FR 24073).

During the comment period, the EPA received data and other information from industry about EGU startup, and the industry commenters recommended that the startup and shutdown provisions as proposed be further amended. The comments raised several significant issues regarding the definition of startup, the types of ''clean fuels'' that must be used during startup, the means by which non-mercury (Hg) emissions are calculated during periods of startup and shutdown (*e.g.,* requests for the use of a default diluent cap and for the use of a default electrical production rate),[1] and the manner in which EGUs that share a common stack demonstrate compliance during periods of startup and shutdown. Given the significance of these comments, the EPA believes it is appropriate to request additional comment on these issues. Therefore, we are reopening the public comment period so that the public can review the industry-provided information and data and comment on the suggested revisions to the startup and shutdown provisions. We are only reopening for comment the startup and shutdown provisions in the MATS rule and the startup and shutdown provisions related to PM in the Utility NSPS. We are not seeking comment on any other issues and will not respond to comments outside the scope of this notice.

In the November 2012 reconsideration proposal, the EPA proposed to revise the definitions of startup and shutdown to clarify the definitions and include a reference to making useful thermal energy. Specifically, in § 63.10042 we proposed to define the end of ''startup'' as being ''. . .when the EGU generates electricity that is sold or used for any other purpose (including on site use), or the EGU makes useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes. . .whichever is earlier.'' 77 FR 71339. We also proposed several revisions to the finalized work practice standards. These revisions included the addition of certain synthetic natural gas, syngas, propane and ultra low-sulfur diesel (ULSD) to the list of clean fuels.

[1] In the May 3, 2011, proposed MATS rule (76 FR 25028), the EPA proposed default diluent gas values of 10 percent for oxygen or of the fuel-specific carbon dioxide concentration (obtained from a stoichiometric analysis of fuel combustion), as well as a default nominal electrical production rate of 5 percent of rated capacity to be used when calculating emissions rates during periods of startup and shutdown. The EPA did not finalize the provision because the agency finalized a work practice standard for startup and shutdown periods instead of numerical emission limits. Commenters indicated that the EPA should have retained the proposed diluent cap because the rule requires monitoring during startup and shutdown periods when continuous emission monitoring systems (CEMS) or sorbent traps are used to demonstrate compliance with the emission standards.

Further, we proposed to require EGU source owners and operators, when firing coal, solid oil-derived fuel, or residual oil in the EGU during startup and shutdown, to vent emissions to the main stack(s) and operate all control devices necessary to meet the operating standards that apply at all other times under the final rule (with the exception of limestone injection in fluidized bed combustors (FBC) EGUs, dry scrubbers, selective non-catalytic reduction systems (SNCRs) and selective catalytic reduction systems (SCRs)).[2] Moreover, we proposed that owners and operators of EGUs would be responsible for starting limestone injection in FBC EGUs, dry scrubbers, SNCRs and SCRs as expeditiously as possible, but, in any case, when necessary to comply with other CAA standards applicable to the source that require operation of those control devices. Additionally, we proposed to revise the final rule's work practice standards to recognize constraints of certain EGUs and APCDs. The proposed revised standards would allow limestone injection to start after appropriate temperatures have been attained in FBC EGUs that inject limestone for acid gas control and allow SNCR, SCR and dry scrubber systems to start as soon as technically feasible after the appropriate temperature has been reached. With regard to integrated gasification combined cycle (IGCC) EGUs, we proposed two options for IGCC EGUs for the handling of syngas that is not fired in the combustion turbine: (1) Syngas must be flared, not vented; or (2) syngas must be routed to duct burners, which may need to be installed, and the flue gas from the duct burners must be routed to the heat recovery steam generator. 77 FR 71330–71331.

The commenters' primary issue with the proposed standards for startup and shutdown concerned the definition of ''startup'' in the reconsideration notice (particularly with regard to the end of ''startup''). Specifically, the commenters objected to the EPA's proposed definition which defined the end of startup to be ''. . . when the EGU generates electricity that is sold or used for any other purpose (including on site use),'' or ''the EGU makes useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes,'' whichever is earlier.'' 77 FR 71339. As discussed below, the commenters advocated a different end point for startup. The EPA also received comments on the types of fuels considered ''clean,'' the required use of clean fuels throughout startup, the specifics of startup as related to IGCC EGUs, the use of diluent caps and sorbent trap monitoring during startup, and the application of the work practice standards to EGUs with a common stack. Below is a summary of some issues raised in the industry comments on which we are now requesting comment. The complete comments are contained in the MATS and Utility NSPS rulemaking dockets (see EPA–HQ–OAR–2009–0234 and EPA–HQ–OAR–2011–0044, respectively).

The commenters asked the EPA to define ''startup'' as the setting in operation of an affected source.[3] According to the commenters, this involves igniting fuel in the boiler, producing steam to begin generating electricity either before or after the primary fuel is added to the boiler and getting all of the APCDs operational to meet the applicable requirements. The commenters maintained that ''startup'' does not end ''when any steam from the boiler is used to generate electricity for sale over the grid or for any other purpose'' as the EPA proposed. The commenters asserted that an EGU remains in ''startup'' mode beyond the first generation of electricity because, according to the commenters, at that point in time many of the APCDs needed to comply with the requirements of this subpart may not be technically or safely capable of operation and those that are may be operating far from design conditions because the requisite temperature(s) and/or flow conditions have not been achieved. For example, the commenters expressed concern that operating electrostatic precipitators (ESPs) at temperatures less than the temperatures recommended by the manufacturer/supplier could create a safety risk.[4]

The commenters also stated that electricity generation may begin when the boiler's steam load is as low as 10 percent of nameplate capacity.[5] At this point, the commenters stated that startup fuel is still being burned, either alone or in combination with primary fuel, but many major components of the EGU (*e.g.,* APCDs) may neither be online nor fully functioning. The commenters further noted that at many EGUs the boiler igniters have low capacity (*e.g.,* 5 percent of the EGU capacity).[6] So, according to these commenters, the igniters as currently constructed may not be able to bring an EGU to flue gas temperatures at which APCD can be made operational. The commenters stated that this inability to use igniters alone to bring the EGU and APCD to the proper temperatures stems from a number of reasons, among which is the fact that some igniters offer only a low heating value and, thus, cannot serve a heating function well over long periods of time.[7] As noted above, the commenters asserted that some igniters may not have sufficient capacity (*i.e.,* size) and were generally not designed to preheat the APCD without the co-firing of the primary fuel and, for this reason, the commenters maintained that some igniters may not be able to generate adequate heat to preheat the APCD even if they were operated for an ''extended period of time.''[8] Commenters also stated that certain EGU facilities do not have sufficient natural gas capacity to bring their EGUs up to the temperatures necessary to engage certain APCDs (*e.g.,* because the natural gas burners or pipeline are currently too small).[9] The commenters maintained that, generally, the igniters (and warm-up guns in some cases) are used to begin to raise boiler pressure, supply steam to heat plant equipment (*e.g.,* piping, steam turbine, pulverizers) and raise the furnace temperature to a point where the primary fuel can be burned. Therefore, the commenters asserted that the startup period involves (and in some cases must involve) co-firing of startup and primary fuels.[10]

The commenters also stated that, in its proposal, the EPA did not adequately account for the operational differences among different types of EGUs. The

[2] Fluidized bed combustor (FBC) EGUs as a class include circulating fluidized bed (CFB) EGUs.

[3] See, *e.g.,* EPA–HQ–OAR–2009–0234–20257, EPA–HQ–OAR–2009–0234–20271, EPA–HQ–OAR–2009–0234–20277, EPA–HQ–OAR–2009–0234–20279, EPA–HQ–OAR–2009–0234–20282.

[4] See, *e.g.,* EPA–HQ–OAR–2009–0234–20248, EPA–HQ–OAR–2009–0234–20251, EPA–HQ–OAR–2009–0234–20255, EPA–HQ–OAR–2009–0234–20267, EPA–HQ–OAR–2009–0234–20269, EPA–HQ–OAR–2009–0234–20272, EPA–HQ–OAR–2009–0234–20275, EPA–HQ–OAR–2009–0234–20280, EPA–HQ–OAR–2009–0234–20286, EPA–HQ–OAR–2009–0234–20289, EPA–HQ–OAR–2009–0234–20306, EPA–HQ–OAR–2009–0234–20308.

[5] See, *e.g.,* EPA–HQ–OAR–2009–0234–20291.

[6] See, *e.g.,* EPA–HQ–OAR–2009–0234–20297.

[7] See, *e.g.,* EPA–HQ–OAR–2009–0234–20254.

[8] See, *e.g.,* EPA–HQ–OAR–2009–0234–20272.

[9] See, *e.g.,* EPA–HQ–OAR–2009–0234–20254 (''natural gas pipeline capacity has limited supply''), EPA–HQ–OAR–2009–0234–20269 (''lacks sufficient natural gas capacity for the unit to complete the startup process,'' ''units do not have easy access to natural gas due to distributional limitations''), EPA–HQ–OAR–2009–0234–20321 (''[a]dditional natural gas transmission capacity would also have to be constructed to increase delivery to the JEA units'').

[10] See, *e.g.,* EPA–HQ–OAR–2009–0234–20246, EPA–HQ–OAR–2009–0234–20248, EPA–HQ–OAR–2009–0234–20252, EPA–HQ–OAR–2009–0234–20254, EPA–HQ–OAR–2009–0234–20269, EPA–HQ–OAR–2009–0234–20272, EPA–HQ–OAR–2009–0234–20283, EPA–HQ–OAR–2009–0234–20287, EPA–HQ–OAR–2009–0234–20303, EPA–HQ–OAR–2009–0234–20321.

commenters stated, for example, that the startup process for supercritical pulverized coal (PC) EGUs is different from that for subcritical EGUs.[11] The commenters stated that supercritical EGUs are designed to commence startup producing subcritical steam to the steam turbine, and then transition to supercritical operation at a certain point as steam production and electricity generation are increased. The commenters asserted that a supercritical EGU does not complete its startup until its transition from subcritical to supercritical operation is complete. The commenters recommended that the end of startup for supercritical EGUs should correspond with the point in time corresponding to 6 hours past the time when the EGU achieves supercritical mode of operation.[12]

For subcritical EGUs, the commenters provided information reflecting the sequence of events during startup for two subcritical EGUs, stating that the baghouse, the activated carbon injection (ACI) and the SCR are not operational when the EGU goes online (*i.e.,* connected to the grid). However, the comments indicate that the baghouse and the ACI controls are operational approximately 4 hours after the EGU reaches the 25-percent load point. The commenters stated that the SCR system is operational about 12 hours after the EGU goes online. The commenters requested that the end of startup be changed to be 4 hours after 25-percent load is first reached or 12 hours after first electricity generation, whichever occurs first.[13] The commenters explained that the 4-hour timeframe would provide for a transition period during which a facility phases out the supplemental fuel, shuts down a dedicated startup system (like a startup boiler feed pump, if applicable) and transitions to bring emission controls online safely and within the manufacturer's intended design capabilities. The commenters maintained that the 12-hour alternative definition would allow for situations where the startup sequence is delayed for unexpected reasons, but provided assurance that an EGU will not idle at low load.

Relative to FBC EGUs, the commenters stated that if limestone is added too early in the startup sequence, the flame could be extinguished. According to the commenters, FBC EGUs that inject limestone must reach a minimum bed temperature of approximately 1,500°F for the limestone to calcine, and, thus, become effective at reducing acid gases. The commenters stated that these EGUs often burn coal for about 45 minutes before limestone is added, and additional time is then required for the bed chemistry to stabilize. They stated that normally the bed is stable and up to temperature when approximately 40-percent load is reached. The commenters requested that the EPA apply the same definition of ''startup'' to FBC EGUs as was suggested for the other types of EGUs (*i.e.,* 4 hours after 25-percent load is first achieved, or 12 hours after first electricity generation, whichever occurs first).[14]

The commenters also provided input on the types of fuels considered ''clean,'' the specifics of startup as related to IGCC EGUs, the use of diluent caps and sorbent trap monitoring during startup and the application of the work practice standards to EGUs with a common stack. The commenters suggested that the EPA should expand the proposed list of ''clean fuels'' to include biodiesel and other renewable fuels that meet the 40 CFR Part 80, subpart M, requirements and that biodiesel and other biofuels be among the clean fuels allowed.[15] The commenters stated that it is important that either flaring syngas or routing it to duct burners remain as options for IGCC EGUs and indicated that flaring should remain an option for routine startups and shutdowns of IGCC EGUs and as a viable option for non-routine events such as unit ''trips'' when the combustion turbine cannot combust syngas.[16]

The commenters suggested that the EPA should reinstate the use of the diluent cap and/or provide for a diluent cap for non-mercury pollutants, as is allowed for Hg in Appendix A of subpart UUUUU. 77 FR 9606. Commenters believed the use of a diluent cap is appropriate when complying with a heat input-based emission standard because emissions must be reported during periods of startup and shutdown, and using the actual carbon dioxide or oxygen concentrations in the stack during startup and shutdown will, according to the commenters, grossly overstate emissions, as the initial (or final) concentrations during those periods are close to ambient levels.[17] Moreover, because EGU owners or operators who use CEMS, continuous parameter monitoring systems (CPMS) or sorbent traps will be required to report emission rates during periods of startup and shutdown, some commenters recommended that a default electrical output rate (in terms of megawatt-hours (MWh) or gigawatt-hours (GWh)) be established for use during startup and shutdown periods.[18] According to the commenters, use of such a default electrical output rate would prevent EGU owners or operators from reporting infinite emissions, which is what the commenters state would occur when no (or zero) electrical output for these periods was placed in the denominator when performing these calculations. One commenter recommended that an EGU should not have to sample for Hg with sorbent traps until startup has ended because, unlike a CEMS, a sorbent trap system collects an integrated sample over an extended time period and does not provide real-time data.[19] Therefore, according to the commenter, it is not possible to separate the Hg compliance data from data collected during startup and shutdown periods. The commenter noted that although startup and shutdown events are generally short, if startup and shutdown emissions are included in the compliance calculations, this could potentially skew the results.

The final rule contains specific requirements for EGUs that use a common stack (see § 63.10010(a)(2) and (3)). Even with these requirements, some commenters asserted that the rule does not adequately account for startup and shutdown periods for individual EGUs. Some commenters stated that the proposed rule does not resolve how the startup and shutdown definitions and work practice provisions apply to EGUs that share a common stack. Several commenters acknowledged that the work practice standards would be applied separately on each EGU that shares a common stack, but they argued that the rule should provide that the numerical emission limits do not apply

[11] See, *e.g.,* EPA–HQ–OAR–2009–0234–20270, EPA–HQ–OAR–2009–0234–20277, EPA–HQ–OAR–2009–0234–20281, EPA–HQ–OAR–2009–0234–20282.

[12] See, *e.g.,* EPA–HQ–OAR–2009–0234–20281, EPA–HQ–OAR–2009–0234–20282.

[13] See, *e.g.,* EPA–HQ–OAR–2009–0234–20262, EPA–HQ–OAR–2009–0234–20281, EPA–HQ–OAR–2009–0234–20282.

[14] See, *e.g.,* EPA–HQ–OAR–2009–0234–20282.

[15] See, *e.g.,* EPA–HQ–OAR–2009–0234–20271, EPA–HQ–OAR–2009–0234–20272, EPA–HQ–OAR–2009–0234–20276, EPA–HQ–OAR–2009–0234–20279, EPA–HQ–OAR–2009–0234–20282, EPA–HQ–OAR–2009–0234–20295, EPA–HQ–OAR–2009–0234–20304, EPA–HQ–OAR–2011–0044–5803.

[16] See, *e.g.,* EPA–HQ–OAR–2009–0234–20243, EPA–HQ–OAR–2009–0234–20245, EPA–HQ–OAR–2009–0234–20281, EPA–HQ–OAR–2009–0234–20282, EPA–HQ–OAR–2009–0234–20299.

[17] See, *e.g.,* EPA–HQ–OAR–2009–0234–20282.

[18] See, *e.g.,* EPA–HQ–OAR–2009–0234–20282, EPA–HQ–OAR–2009–0234–20306.

[19] See, *e.g.,* EPA–HQ–OAR–2009–0234–20308.

if even one EGU sharing the common stack is starting up or shutting down.[20]

The EPA requests comment on the information and data provided in the public comments regarding the startup and shutdown provisions and, in particular, the commenters' recommendations concerning the definition of ''startup.'' The EPA requests additional input on the following startup/shutdown-related issues that were raised by commenters on the proposed rule:

- The use of default diluent gas cap values during periods of startup and shutdown;
- How to calculate startup/shutdown emissions when multiple affected EGUs share a common stack; and
- The use of a default electrical production rate value to calculate output-based emission limits during startup and shutdown hours where the electrical load is zero.

In addition, the EPA requests comment on the additional technical analyses it conducted in response to the above comments concerning the end of startup. See ''Assessment of startup period at coal-fired electric generating units'' in Docket ID EPA–HQ–OAR–2009–0234. In this analysis of EGUs, the EPA examined several indicators that can aid in assessing the time required to achieve operating benchmarks.

Using these indicators, we found no significant difference in performance related to startup between the different groups assessed in this analysis. We believe these results could support defining the end of startup at coal-fired EGUs as occurring at 25 percent of nameplate capacity plus 3 hours or the start of electricity generation plus 6 hours, whichever comes first, and we are soliciting comment on the analysis.

We are only reopening for comment the startup and shutdown issues described above. We are not seeking comment on any other issues and will not respond to comments submitted that are outside the scope of this notice.

List of Subjects in 40 CFR Parts 60 and 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 18, 2013.

Gina McCarthy,

Assistant Administrator.

[FR Doc. 2013–15146 Filed 6–24–13; 8:45 am]

BILLING CODE 6560–50–P

[20] See, *e.g.,* EPA–HQ–OAR–2009–0234–20256, EPA–HQ–OAR–2009–0234–20277, EPA–HQ–OAR–2009–0234–20281, EPA–HQ–OAR–2009–0234–20282, EPA–HQ–OAR–2009–0234–20294.

Notices

Federal Register

Vol. 78, No. 122

Tuesday, June 25, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for the Rural Economic Development Loan and Grant Program for Fiscal Year 2013

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice is to invite applications for loans and grants under the Rural Economic Development Loan and Grant (REDLG) program pursuant to 7 CFR part 4280, subpart A for fiscal year (FY) 2013. Funding to support $33 million in loans and $10 million in grants is currently available. The commitment of program dollars will be made to applicants of selected responses that have fulfilled the necessary requirements for obligation.

All applicants are responsible for any expenses incurred in developing their applications.

DATES: Applications received during each month in the USDA Rural Development State Office no later than 4:30 p.m. (local time) on the last business day of each month will be considered for funding the following month in FY 2013.

ADDRESSES: Submit applications in paper format to the USDA Rural Development State Office in the state where your project is located. A list of the USDA Rural Development State Offices addresses and telephone numbers are as follows:

Alabama

USDA Rural Development State Office, Sterling Centre, Suite 601, 4121 Carmichael Road, Montgomery, AL 36106–3683, (334) 279–3400/TDD (334) 279–3495.

Alaska

USDA Rural Development State Office, 800 West Evergreen, Suite 201, Palmer, AK 99645–6539, (907) 761–7705/TDD (907) 761–8905.

Arizona

USDA Rural Development State Office, 230 N 1st Ave., Suite 206, Phoenix, AZ 85003–1706, (602) 280–8701/TDD (602) 280–8705.

Arkansas

USDA Rural Development State Office, Federal Building, 700 West Capitol Ave., Room 3416, Little Rock, AR 72201–3225, (501) 301–3200/TDD (501) 301–3279.

California

USDA Rural Development State Office, 430 G Street, Agency #4169, Davis, CA 95616–4169, (530) 792–5800/TDD (530) 792–5848.

Colorado

USDA Rural Development State Office, Denver Federal Center, Building 56, Room 2300, P.O. Box 25426, Denver, CO 80225–0426, (720) 544–2903/TDD (800) 659–3656.

Delaware-Maryland

USDA Rural Development State Office, 1221 College Park Drive, Suite 200, Dover, DE 19904, (302) 857–3580/TDD (302) 857–3585.

Florida/Virgin Islands

USDA Rural Development State Office, 4440 NW 25th Place, P.O. Box 147010, Gainesville, FL 32614–7010, (352) 338–3402/TDD (352) 338–3499.

Georgia

USDA Rural Development State Office, Stephens Federal Building, 355 E. Hancock Avenue, Stop 300, Athens, GA 30601–2768, (706) 546–2162/TDD (706) 546–2034.

Hawaii

USDA Rural Development State Office, Federal Building, Room 311, 154 Waianuenue Avenue, Hilo, HI 96720, (808) 933–8380/TDD (808) 933–8321.

Idaho

USDA Rural Development State Office, 9173 West Barnes Dr., Suite A1, Boise, ID 83709, (208) 378–5600/TDD (208) 378–5644.

Illinois

USDA Rural Development State Office, 2118 West Park Court, Suite A, Champaign, IL 61821, (217) 403–6200/TDD (217) 403–6240.

Indiana

USDA Rural Development State Office, 5975 Lakeside Boulevard, Indianapolis, IN 46278, (317) 290–3100 ext. 4/TDD (317) 290–3343.

Iowa

USDA Rural Development State Office, Federal Building, Room 873, 210 Walnut Street, Des Moines, IA 50309, (515) 284–4663/TDD (515) 284–4858.

Kansas

USDA Rural Development State Office, 1303 SW First American Place, Suite 100, Topeka, KS 66604–4040, (785) 271–2700/TDD (785) 271–2767.

Kentucky

USDA Rural Development State Office, 771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224–7300/TDD (859) 224–7422.

Louisiana

USDA Rural Development State Office, 3727 Government Street, Alexandria, LA 71302, (318) 473–7921/TDD (318) 473–7655.

Maine

USDA Rural Development State Office, 967 Illinois Avenue, Suite 4, P.O. Box 405, Bangor, ME 04401–2767, (207) 990–9160/TDD (207) 942–7331.

Massachusetts/Rhode Island/Connecticut

USDA Rural Development State Office, 451 West Street, Amherst, MA 01002–2999, (413) 253–4300/TDD (413) 253–4590.

Michigan

USDA Rural Development State Office, 3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324–5190/TDD (517) 324–5169.

Minnesota

USDA Rural Development State Office, 375 Jackson Street, Suite 410, St. Paul, MN 55101–1853, (651) 602–7800/TDD (651) 602–3799.

Mississippi

USDA Rural Development State Office, Federal Building, Ste 831, 100 West Capitol Street, Jackson, MS 39269, (601) 965–4316/TDD (601) 965–5850.

Missouri

USDA Rural Development State Office, 601 Business Loop 70 West, Parkade Ctr., Ste. 235, Columbia, MO 65203, (573) 876–0976/TDD (573) 876–9480.

Montana

USDA Rural Development State Office, 2229 Boot Hill Court, P.O. Box 850, Bozeman, MT 59715, (406) 585–2530/TDD (406) 585–2562.

Nebraska

USDA Rural Development State Office, Federal Building, Room 152, 100 Centennial Mall N, Lincoln, NE 68508, (402) 437–5551/TDD (402) 437–5093.

Nevada

USDA Rural Development State Office, 1390 South Curry Street, Carson City, NV 89703–9910, (775) 887–1222/TDD (775) 885–0633.

New Jersey

USDA Rural Development State Office, 5th Floor North, Ste 500, 8000 Midlantic Drive, Mt. Laurel, NJ 08054, (856) 787–7700/TDD (856) 787–7784.

New Mexico

USDA Rural Development State Office, 6200 Jefferson Street NE., Room 255, Albuquerque, NM 87109, (505) 761–4953/TDD (505) 761–4938.

New York

USDA Rural Development State Office, 441 South Salina Street, Suite 357, Syracuse, NY 13202–2541, (315) 477–6400/TDD (315) 477–6447.

North Carolina

USDA Rural Development State Office, 4405 Bland Road, Suite 260, Raleigh, NC 27609, (919) 873–2000/TDD (919) 873–2003.

North Dakota

USDA Rural Development State Office, Federal Building, Room 208, 220 East Rosser, P.O. Box 1737, Bismarck, ND 58502–1737, (701) 530–2037/TDD (701) 530–2113.

Ohio

USDA Rural Development State Office, Federal Building, Room 507, 200 N. High Street, Columbus, OH 43215–2418, (614) 255–2400/TDD (614) 255–2554.

Oklahoma

USDA Rural Development State Office, 100 USDA, Suite 108, Stillwater, OK 74074–2654, (405) 742–1000/TDD (405) 742–1007.

Oregon

USDA Rural Development State Office, 1201 NE Lloyd Blvd., Suite 801, Portland, OR 97232, (503) 414–3366/TDD (503) 414–3387.

Pennsylvania

USDA Rural Development State Office, One Credit Union Place, Suite 330, Harrisburg, PA 17110–2996, (717) 237–2299/TDD (717) 237–2261.

Puerto Rico

USDA Rural Development State Office, IBM Building, Ste 601, 654 Munos Rivera Avenue, San Juan, PR 00918–6106, (787) 766–5095/TDD (787) 766–5332.

South Carolina

USDA Rural Development State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 765–5163/TDD (803) 765–5697.

South Dakota

USDA Rural Development State Office, Federal Building, Room 210, 200 4th Street SW, Huron, SD 57350, (605) 352–1100/TDD (605) 352–1147.

Tennessee

USDA Rural Development State Office, 3322 West End Avenue, Suite 300, Nashville, TN 37203–1071, (615) 783–1300.

Texas

USDA Rural Development State Office, Federal Building, Ste 102, 101 South Main, Temple, TX 76501, (254) 742–9700/TDD (254) 742–9712.

Utah

USDA Rural Development State Office, Wallace F. Bennett Federal Building, 125 South State Street, Room 4311, Salt Lake City, UT 84138, (801) 524–4324/TDD (801) 524–3309.

Vermont/New Hampshire

USDA Rural Development State Office, 87 Main Street, Suite 324, P.O. Box 249, Montpelier, VT 05601, (802) 828–6031/TDD (802) 223–6365.

Virginia

USDA Rural Development State Office, Culpeper Building, Ste 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287–1551/TDD (804) 287–1753.

Washington

USDA Rural Development State Office, 1835 Blacklake Boulevard, SW., Suite B, Olympia, WA 98512–5715, (360) 704–7740/TDD (360) 704–7760.

West Virginia

USDA Rural Development State Office, 1550 Earl Core Road, Suite 101, Morgantown, WV 26505, (304) 284–4860/TDD (304) 284–4836.

Wisconsin

USDA Rural Development State Office, 5417 Clem's Way, Stevens Point, WI 54482, (715) 345–7671/TDD (715) 345–7614.

Wyoming

USDA Rural Development State Office, 100 East B Street, Room 1005, P.O. Box 11005, Casper, WY 82601. (307) 233–6700/TDD (307) 233–6733.

FOR FURTHER INFORMATION CONTACT: Please contact the USDA Rural Development State Office provided in the **ADDRESSES** section of this Notice where the project will be located.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Business-Cooperative Service.

Solicitation Opportunity Type: Rural Economic Development Loans and Grants.

Announcement Type: Initial Announcement.

Catalog of Federal Domestic Assistance Number: 10.854.

Dates: Application Deadline: Completed applications must be received in the USDA Rural Development State Office no later than 4:30 p.m. (local time) on the last business day of each month to be considered for funding in the following month in FY 2013.

I. Funding Opportunity Description

A. *Purpose of the Program.* The purpose of the program is to promote rural economic development and job creation projects.

B. *Statutory Authority.* These programs are authorized under 7 CFR part 4280, subpart A. Assistance provided to rural areas, as defined, under this program may include business startup costs, business expansion, business incubators, technical assistance feasibility studies, advanced telecommunications services and computer networks for medical, educational, and job training services and community facilities projects for economic development. Awards are made on a competitive basis using specific selection criteria contained in 7 CFR part 4280, subpart A. Information required to be in the application includes an SF–424, ''Application for Federal Assistance;'' a Resolution of the Board of Directors; AD–1047,

''Debarment/Suspension Certification;'' Assurance Statement for the Uniform Act; Restrictions on Lobbying, AD 1049, ''Certification Regarding Drug-Free Workplace Requirements;'' Form RD 400–1, ''Equal Opportunity Agreement;'' Form RD 400–4, ''Assurance Agreement;'' Seismic Certification (if construction); Form RD 1940–20, ''Request for Environmental Information;'' RUS Form 7, ''Financial and Statistical Report;'' and RUS Form 7a, ''Investments, Loan Guarantees, and Loans,'' or similar information; and written narrative of project description. Applications will be tentatively scored by the State Offices and submitted to the National Office for review.

Definitions

C. *Definition of Terms.* The definitions applicable to this Notice are published at 7 CFR 4280.3.

D. *Application awards.* The Agency will review, evaluate, and score applications received in response to this Notice based on the provisions found in 7 CFR 4280, subpart A and as indicated in this Notice. However, the Agency advises all interested parties that the applicant bears the burden in preparing and submitting an application in response to this Notice.

II. Award Information

Type of Awards: Loans and Grants.

Fiscal Year Funds: FY 2013.

Total Funding: Loans—$33 million; Grants—$10 million.

Maximum Award: The following are maximum amounts per award: Loans—$2,000,000; Grants—$300,000.

Award Dates: The last day of the month following the month in which application was received.

III. Eligibility Information

A. Eligible Applicants

Loans and grants may be made to any entity that is identified by USDA Rural Development as an eligible borrower under the Rural Electrification Act. In accordance with 7 CFR 4280.13, applicants that are not delinquent on any Federal debt or otherwise disqualified from participation in these programs are eligible to apply. An applicant must be eligible under 7 U.S.C. 940c. Notwithstanding any other provision of law, any former Rural Utilities Service borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act. All other restrictions in this Notice will apply.

B. Cost Sharing or Matching

For loans, either the Ultimate Recipient or the Intermediary must provide supplemental funds for the project equal to at least 20 percent of the loan to the Intermediary. For grants, the Intermediary must establish a Revolving Loan Fund and contribute an amount equal to at least 20 percent of the Grant. The supplemental contribution must come from Intermediary's funds which may not be from other Federal Grants, unless permitted by law.

C. Other Eligibility Requirements

Applications will only be accepted for projects that promote rural economic development and job creation.

D. Completeness Eligibility

Applications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

IV. Fiscal Year 2013 Application and Submission Information

A. Address To Request Application Package

For further information, entities wishing to apply for assistance should contact the Rural Development State Office identified in this Notice to obtain copies of the application package.

Applicants are encouraged to submit grant applications only through the Grants.gov Web site at: *http://www.grants.gov*. Applications may be submitted in either electronic or paper format. Users of Grants.gov will be able to download a copy of the application package, complete it off line, and then upload and submit the application via the Grants.gov Web site. Applications may not be submitted by electronic mail.

- When you enter the Grants.gov Web site, you will find information about submitting an application electronically through the site as well as the hours of operation. USDA Rural Development strongly recommends that you do not wait until the application deadline date to begin the application process through Grants.gov. To use Grants.gov, applicants must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number which can be obtained at no cost via a toll-free request line at 1–866–705–5711 or at *http://www.dnb.com*.
- You may submit all documents electronically through the Web site, including all information typically included on the application for REDLGs and all necessary assurances and certifications.
- After electronically submitting an application through the Web site, the applicant will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number.
- USDA Rural Development may request that the applicant provide original signatures on forms at a later date.
- If applicants experience technical difficulties on the closing date and are unable to meet the deadline, you may submit a paper copy of your application to your respective Rural Development State Office. Paper applications submitted to a Rural Development State Office must meet the closing date and local time deadline.
- Please note that applicants must locate the downloadable application package for this program by the Catalog of Federal Domestic Assistance Number or FedGrants Funding Opportunity Number, which can be found at *http://www.grants.gov*.

B. Content and Form of Submission

An application must contain all of the required elements. Each selection priority criterion outlined in 7 CFR 4280.42(b), must be addressed in the application. Failure to address any of the criteria will result in a zero-point score for that criterion and will impact the overall evaluation of the application. Copies of 7 CFR part 4280, subpart A, will be provided to any interested applicant making a request to a Rural Development State Office listed in this Notice. An original copy only of the application is to be field with the Rural Development State Office for the State where the Intermediary is located.

C. Submission Dates and Times

Application Dates: No later than 4:30 p.m. (local time) on the last business day of each month to be considered for funding in the following month.

Explanation of Dates: Applications must be in the USDA Rural Development State Office by the dates as indicated above.

V. Application Review Information

The National Office will score applications based on the grant selection criteria and weights contained in 7 CFR part 4280, subpart A, and will select an Intermediary subject to the Intermediary's satisfactory submission of the additional items required by that subpart and the USDA Rural Development Letter of Conditions.

VI. Award Administration Information

A. Award Notices

Successful applicants will receive notification for funding from the Rural Development State Office. Applicants must comply with all applicable statutes and regulations before the loan/grant award will be approved. Provided the application and eligibility requirements have not changed, an application not selected will be reconsidered in three subsequent funding competitions for a total of four competitions. If an application is withdrawn, it can be resubmitted and will be evaluated as a new application.

B. Administrative and National Policy Requirements

Additional requirements that apply to Intermediary's selected for this program can be found in 7 CFR part 4280, subpart A. Applicable provisions of 7 CFR parts 3015, 3019, and 3052 also apply.

VII. Agency Contacts

For general questions about this announcement, please contact your USDA Rural Development State Office provided in the **ADDRESSES** section of this Notice.

VIII. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirement contained in this Notice is approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0024.

Federal Funding Accountability and Transparency Act

All applicants, in accordance with 2 CFR part 25, must have a DUNS number, which can be obtained at no cost via a toll-free request line at 1–866–705–5711 or online at *http://fedgov.dnb.com/webor*. Similarly, all grant applicants must be registered in the System for Award Management (SAM) prior to submitting an application. Applicants may register for the SAM at *http://www.sam.gov*. All recipients of Federal financial grant assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

Corporate Felony Convictions and Corporate Felony Tax Delinquencies

Applications from corporate applicants submitted under this Notice must include Form AD 3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants.'' Corporate applicants who receive an award under this Notice will be required to signed Form AD 3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.''

Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the *USDA Program Discrimination Complaint Form* (PDF), found online at *http://www.ascr.usda.gov/complaint_filing_cust.html,* or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov*.

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: June 14, 2013.

Lillian E. Salerno,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2013–15118 Filed 6–24–13; 8:45 am]

BILLING CODE 3410–XY–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meetings

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meetings.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) plans to hold its regular committee and Board meetings in Washington, DC, Tuesday and Wednesday, July 9–10, 2013 at the times and location listed below.

DATES: The schedule of events is as follows:

Tuesday, July 9, 2013

1:30–3:30 p.m.—Joint Meeting of the Budget, Planning and Evaluation, and Technical Programs Committees on FY 2015 Planning

3:30–4:30—Ad Hoc Committee on Frontier Issues

4:30–5:00—Ad Hoc Committee on Accessible Design in Education

Wednesday, July 10, 2013

9:30–Noon—Hearing on Passenger Vessels Proposed Rule

1:30–3:30 p.m.—Board Meeting

ADDRESSES: Meetings will be held at the Access Board Conference Room, 1331 F Street NW., Suite 800, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact David Capozzi, Executive Director, (202) 272–0010 (voice); (202) 272–0054 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting scheduled on the afternoon of Wednesday, July 10, the Access Board will consider the following agenda items:

- Approval of the draft March 13, 2013 meeting minutes (vote)
- Ad Hoc Committee Reports: Public Rights-of-Way and Shared Use Paths; Transportation Vehicles; Accessible Design in Education; and Frontier Issues
- Joint Budget, Technical Programs, and Planning and Evaluations Committees Report
- Election Assistance Commission Report
- ADA and ABA Guidelines; Federal Agency Update
- Prescription Drug Labeling Working Group Report
- Medical Diagnostic Equipment Federal Advisory Committee Report
- Executive Director's Report

• Public Comment, Open Topics

All meetings are accessible to persons with disabilities. An assistive listening system, Communication Access Realtime Translation (CART), and sign language interpreters will be available at the Board meeting and committee meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see *www.access-board.gov/about/policies/fragrance.htm for more information*).

David M. Capozzi,

Executive Director.

[FR Doc. 2013–15108 Filed 6–24–13; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Paperwork Submissions Under the Coastal Zone Management Act Federal Consistency Requirements.

OMB Control Number: 0648–0411.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 2,334.

Average Hours per Response: Federal agency/license or permit and assistance, 8 hours; federal assistance applications, 2 hours; unlisted activity requests and remedial action requests, 4 hours; public notices and listing/notice coordination, 1 hour; interstate listing, 30 hours; mediation requests, 2 hours; appeals and state responses, 210 hours each.

Burden Hours: 35,799.

Needs and Uses: This request is for extension of a currently approved information collection.

A number of paperwork submissions are required by the Coastal Zone Management Act (CZMA) federal consistency provision, 16 U.S.C. 1456, and by NOAA to provide a reasonable, efficient and predictable means of complying with CZMA requirements. The requirements are detailed in 15 CFR part 930. The information will be used by coastal states with federally-approved Coastal Zone Management Programs to determine if Federal agency activities, Federal license or permit activities, and Federal assistance activities that affect a state's coastal zone are consistent with the states' programs. Information will also be used by NOAA and the Secretary of Commerce for appeals to the Secretary by non-federal applicants regarding State CZMA objections to federal license or permit activities.

Affected Public: State, local and tribal government; business or other for-profit organizations; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: *OIRA_Submission@omb.eop.gov.*

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: June 20, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–15151 Filed 6–24–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Southeast Region Dealer and Interview Family of Forms.

OMB Control Number: 0648–0013.

Form Number(s): 88–12, 8812–B, 88–30.

Type of Request: Regular submission (revision and extension of a current information collection).

Number of Respondents: 5,499.

Average Hours per Response: Interviews and dealer reporting, 10 minutes (except for non-South Carolina coastal fisheries dealer reporting, 1 minute); wreckfish dealer no-purchase reporting, 3 minutes.

Burden Hours: 1,542.

Needs and Uses: This request is for revision and extension of a current information collection.

Fishery quotas are established for many species in the fishery management plans developed by both the Gulf of Mexico Reef Fish Fishery Management Council and the South Atlantic Fishery Management Council. The Southeast Fisheries Science Center has been delegated the responsibility to monitor these quotas. To do so in a timely manner, seafood dealers that handle these species are required to report the purchases (landings) of these species.

The frequency of these reporting requirements varies depending on the magnitude of the quota (*e.g.,* lower quota usually require more frequent reporting) and the intensity of fishing effort. The most common reporting frequency is twice a month; however, some fishery quotas, (*e.g.,* the mackerel gill net) necessitate weekly or by the trip reporting.

In addition, information collection included in this family of forms includes interview with fishermen to gather information on the fishing effort, location and type of gear used on individual trips. This data collection is conducted for a subsample of the fishing trips and vessel/trips in selected commercial fisheries in the Southeast region. Fishing trips and individuals are selected at random to provide a viable statistical sample. These data are used for scientific analyses that support critical conservation and management decisions made by national and international fishery management organizations.

Revision: Submission of trip tickets is now all electronic, resulting in decreased hours and costs.

Affected Public: Business or other for-profit organizations.

Frequency: Annually, bimonthly, monthly, weekly.

Respondent's Obligation: Mandatory.

OMB Desk Officer: *OIRA_Submission@omb.eop.gov.*

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to *OIRA_Submission@omb.eop.gov*.

Dated: June 20, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–15150 Filed 6–24–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposed Information Collection; Comment Request; Institutional Remittances to Foreign Countries

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before 5 p.m. August 26, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230, or via email at *jjessup@doc.gov.*

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information or copies of the survey and instructions to Mark Xu, Chief, Special Surveys Branch, Balance of Payments Division, (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; *phone:* (202) 606–9826; *fax:* (202) 606–5318; or via email at *mark.xu@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Form BE–40, Institutional Remittances to Foreign Countries, obtains data from U.S. nonprofit organizations whose remittances were $100,000 or more for the previous year or are expected to meet or exceed that amount during the current year. The data is collected quarterly from organizations remitting $1 million or more each year and annually for organizations remitting at least $100,000 but less than $1 million each year. Potential respondents are U.S. religious, charitable, educational, scientific and similar nonprofit organizations that voluntarily agree to provide data on their transfers to foreign residents and organizations and on their expenditures in foreign countries.

The data collected are cut-off sample data. The Bureau of Economic Analysis (BEA) estimates data for non-respondents.

The data are needed by BEA for compiling the U.S. international transactions accounts (ITAs), which BEA publishes quarterly. The ITAs are used extensively by both government and private organizations for national and international economic policy formulation and for analytical purposes. The information collected in this survey is used to develop the ''private remittances'' portion of the ITAs. Without this information, an integral component of the ITAs would be omitted. No other government agency collects comprehensive quarterly data on institutional remittances of funds to foreign countries. Quarterly reports are due 30 days after the close of each calendar or fiscal quarter and annual reports are due 90 days after the close of the calendar or fiscal year.

The survey form is reformatted to better facilitate survey responses. No changes are proposed for the data collected or for exemption levels.

II. Method of Collection

The surveys are sent to the respondents by U.S. mail; the surveys are also available from the BEA Web site. Respondents return the surveys one of four ways: U.S. mail, electronically using BEA's electronic collection system (eFile), fax, or email.

III. Data

OMB Control Number: 0608–0002.

Form Number: BE–40.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions.

Estimated Number of Responses: 100 each quarter for quarterly respondents and 277 for annual respondents; 677 total responses annually.

Estimated Time per Response: 1 hour, 30 minutes.

Estimated Total Annual Burden Hours: 1,015.5.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Bretton Woods Agreement Act, Section 8, and E.O. 10033, as amended.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 19, 2013.

Glenna Mickelson,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 2013–15054 Filed 6–24–13; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC732

Endangered and Threatened Species; Notice of Intent To Prepare a Recovery Plan for Oregon Coast Coho Salmon Evolutionarily Significant Unit

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of intent to prepare a recovery plan; request for information.

SUMMARY: The National Marine Fisheries Service (NMFS) is announcing its intent to prepare a recovery plan for Oregon Coast coho salmon (*Oncorhynchus kisutch*) Evolutionarily Significant Unit (ESU) (OC coho) and requests information from the public. We are required by the Endangered Species Act of 1973 (ESA), as amended, to develop plans for the conservation and survival of federally listed species, i.e., recovery plans.

DATES: To allow adequate time to conduct a review of information submitted, all information must be received no later than July 25, 2013.

ADDRESSES: Information may be submitted by any of the following methods:

- *Via email: OCcohorecovery.nwr@noaa.gov* (No files larger than 5MB can be accepted).

• *Via U.S. mail:* Rob Walton, National Marine Fisheries Service, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232 ATTN: OC Coho Recovery Coordinator.

• *Hand delivered:* National Marine Fisheries Service, National Marine Fisheries Service, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232 ATTN: OC coho Recovery Coordinator. Business hours are 8 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

• *Via fax:* 503–230–5441. Please include the following on the cover page of the fax ''ATTN: OC coho Recovery Coordinator.''

FOR FURTHER INFORMATION CONTACT: Rob Walton, OC coho Recovery Coordinator, (503) 231–2285

SUPPLEMENTARY INFORMATION: NMFS is charged with the recovery of OC coho, a species listed under the ESA. Recovery means that listed species and their ecosystems are restored, and their future secured, so that the protections of the ESA are no longer necessary. The ESA specifies that recovery plans must include: (1) A description of management actions necessary to achieve the plan's goals for the conservation and survival of the species; (2) objective, measurable criteria which, when met, would result in the species being removed from the list; and (3) estimates of the time and costs required to achieve the plan's goal and the intermediate steps towards that goal. Section 4(f) of the ESA, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. We are soliciting relevant information related to OC coho and their freshwater/marine habitats, including:

1. Criteria for removing OC coho from the list of threatened and endangered species;

2. Human activities that contribute to the ESA listing factors (section 4(a)(1)(A)–(E)):

(A) the present or threatened destruction, modification, or curtailment of its habitat or range;

(B) overutilization for commercial, recreational, scientific, or educational purposes;

(C) disease or predation;

(D) the inadequacy of existing regulatory mechanisms;

(E) other natural or manmade factors affecting its continued existence.

3. Physical, biological or chemical features of the environment that limit the recovery of OC coho;

4. Strategies and/or actions necessary to recover OC coho;

5. Estimates of time and cost to implement recovery actions;

6. Critical knowledge gaps and/or uncertainties that need to be resolved to better inform recovery efforts; and

7. Research, monitoring and evaluation needs to address knowledge gaps and uncertainties, to assess the species' status, or to evaluate progress in addressing the ESA listing factors relative to recovery goals.

Upon completion, the proposed Recovery Plan will be available for public review and comment through the publication of a **Federal Register** Notice.

Preliminary Table of Contents

We have developed a draft table of contents for the proposed Recovery Plan for OC coho which can be accessed at *http://www.nwr.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/oregon_coast/oregon_coast_salmon_recovery_domain.html*.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: June 19, 2013.

Helen Golde,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–15106 Filed 6–24–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC734

National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration; Southwest Fisheries Science Center; Online Webinar

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

ACTION: Notice of online webinar.

SUMMARY: The Southwest Fisheries Science Center (SWFSC) will hold an online Pre-Assessment Workshop webinar to provide an overview of the data sources, data trends and population models that will be used in the upcoming Pacific coast groundfish stock assessments for Pacific sanddab and cowcod (rockfish). The online SWFSC Pre-Assessment Workshop webinar is open to the public, although space for online access is limited to the first 20 participants.

DATES: The SWFSC Pre-Assessment Workshop webinar will commence at 1 p.m. PST, Monday, July 15, 2013, and continue until 4 p.m. or as necessary to complete business for the day.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for specific addresses and all other necessary information pertaining to the webinar.

Science Center address: Fisheries Ecology Division, Southwest Fisheries Science Center, 110 Shaffer Road, Santa Cruz, CA.

FOR FURTHER INFORMATION CONTACT: Dr. John Field, NMFS Southwest Fisheries Science Center; telephone: (831) 420–3907, email: *John.Field@noaa.gov*.

SUPPLEMENTARY INFORMATION: To attend the SWFSC Pre-Assessment webinar, please reserve your seat by emailing Dr. John Field (*John.Field@noaa.gov*). Once registered, participants will receive a confirmation email message that contains detailed information about viewing the event and joining the audio conference (toll free number). Participants can join the webinar as audio-only, but the total number of participants for both the webinar and the audio portions is limited. Participants must register at least 5 days prior to the webinar meeting.

System requirements for attending the online webinar are as follows: PC-based attendees: Windows® 2000, XP SP#, 2003 Server, Vista 32-bit/64-bit, Windows® 7 32-bit/64-bit, 2008 Server 64-bit; Intel Core2 Duo CPU 2.XX GHz or AMD processor. (2 GB of RAM recommended), JavaScript and Cookies enabled, Active X enabled and unblocked for Microsoft Internet Explorer (recommended) and Java 6.0 or above, Microsoft® Internet Explorer 6, 7 or 8 (8 is recommended), Mozilla Firefox 3.x or 4.0b, Chrome 5, 6, or 7; Mac®-based attendees: Mac OS® X 10.5 or 10.6; Other platforms supported: Linux, Solaris Solaris 10, HP–UX 11.11 and AIX 5.3; and Mobile attendees: iPhone® or iPad® (iOS 3+), Android TM (v 2.1+) and Cius devices. If you experience technical difficulties connecting to the webinar meeting, it may be helpful to try using a different browser if possible.

Public listening stations for the SWFSC Pre-Assessment Workshop webinar will also be available at the following locations:

1. Conference Room (188), Fisheries Ecology Division, Southwest Fisheries Science Center, 110 Shaffer Road, Santa Cruz, CA 95060;

2. Auditorium, National Marine Fisheries Service, Northwest Fisheries Science Center, 2725 Montlake Blvd. East, Seattle, WA 98112, telephone: (206) 860–3200;

3. Conference Room 101, National Marine Fisheries Service, Northwest

Fisheries Science Center, 2032 SE OSU Drive, Newport, OR 97365, telephone: (541) 867–0500;

4. Large Conference Room, Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384, telephone: (503) 820–2280; and

5. Pacific meeting room, Southwest Fisheries Science Center, 8901 La Jolla Shores Drive, La Jolla, CA, 92037, telephone: (858) 334–2847.

To attend the webinar at the Southwest Fisheries Science Center listening stations in La Jolla, CA, Santa Cruz, CA, Seattle, WA or Newport, OR, members of the general public who are not National Marine Fisheries Service employees need to provide photo identification. Foreign nationals, where a foreign national is an individual who is not a citizen of the United States, not a legal permanent resident (meaning not a ''permanent resident alien'' or ''Green Card'' holder), and not a ''protected individual'' under 8 U.S.C. 1324b(a)(3), intending to attend the webinar at any of the Southwest or Northwest Fisheries Science Centers must notify Ms. Stacey Miller, (541) 867–0562, at the Northwest Fisheries Science Center at least 2 weeks prior to the webinar.

Public comments during the webinar will be received from attendees at one of the public listening stations as well as by participants who have pre-registered and are listening from remote locations.

The specific objectives of the SWFSC Pre-Assessment Workshop webinar are to: (1) Present and describe data that may be included in the stock assessment modeling for Pacific sanddab and cowcod; (2) discuss the interpretation of data given historical and current fishing practices and changes in fishing regulations; (3) discuss approaches for improving stock assessment modeling efforts; and (4) identify data gaps and future research possibilities. No management actions will be decided in this workshop.

All visitors to the National Marine Fisheries Service science centers should bring photo identification to the meeting location. Visitors who are foreign nationals (defined as a person who is not a citizen or national of the United States) will require additional security clearance to access the NOAA facilities. Foreign national visitors should contact Ms. Stacey Miller at (541) 867–0562 at least 2 weeks prior to the meeting date to initiate the security clearance process.

Although non-emergency issues not identified in the webinar agenda may come before the webinar participants for discussion, those issues may not be the subject of formal action during this webinar. Formal action at the workshop 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 webinar participants' intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to Ms. Stacey Miller at (541) 867–0562 at least 5 days prior to the webinar date.

Dated: June 20, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–15109 Filed 6–24–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA425

Endangered Species; File No. 15661

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

ACTION: Notice; receipt of application for a permit modification

SUMMARY: Notice is hereby given that the Commonwealth of the Northern Mariana Islands (CNMI) Department of Lands and Natural Resources, PO Box 10007, Saipan, MP 96950 (Arnold Palacios, Responsible Party), has requested a modification to scientific research Permit No. 15661.

DATES: Written, telefaxed, or email comments must be received on or before July 25, 2013.

ADDRESSES: The modification request 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. 15661 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

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814–4700; phone (808) 944–2200; fax (808) 973–2941.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

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 Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 15661, issued on January 24, 2012 (77 FR 13097) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 15661 authorizes the permit holder to characterize population structure, size class composition, foraging ecology, and migration patterns for green (*Chelonia mydas*) and hawksbill (*Eretmochelys imbricata*) sea turtles in the Northern Mariana Islands (NMI). Authorized research consists of counts and hand captures of sea turtles during vessel surveys. Captured sea turtles may be measured, weighed, flipper and passive integrated transponder tagged, temporarily marked, tissue sampled, photographed and released. A subset of the turtles may be satellite tagged before release and then tracked from the vessel. Sea turtle carcasses, tissues or parts may be opportunistically salvaged each year.

The permit holder now requests authorization to collect blood and scute samples from up to 20 green and 20 hawksbill sea turtles per year, a subset of those currently authorized for capture. This sampling would allow for analysis of a broad suite of environmental pollutants that may be threatening the health of sea turtles in the NMI. All other research objectives, capture methods, take numbers, action areas, and activities would remain unchanged. The modification would be

valid until the permit expires on January 31, 2017.

Dated: June 19, 2013.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–15085 Filed 6–24–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority Board Special Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of Public Meeting of the First Responder Network Authority.

SUMMARY: The Board of the First Responder Network Authority (FirstNet) will hold a Special Meeting via telephone conference (teleconference) on June 27, 2013.

DATES: The Special Meeting will be held on Thursday, June 27, 2013, from 1:00 to 2:00 p.m. Eastern Daylight Time.

ADDRESSES: The Special Meeting will be conducted via teleconference. Members of the public may listen to the meeting by dialing toll-free 1 (888) 469–3306 and using passcode ''FirstNet.'' Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Uzoma Onyeije, Secretary, FirstNet, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230: telephone (202) 482–0016; email *uzoma@firstnet.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002.

SUPPLEMENTARY INFORMATION:

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (Act), Public Law 112–96, 126 Stat. 156 (2012), created FirstNet as an independent authority within the NTIA. The Act directs FirstNet to establish a single nationwide, interoperable public safety broadband network. The FirstNet Board is responsible for making strategic decisions regarding FirstNet's operations. As provided in Section 4.08 of the FirstNet Bylaws, the Board through this Notice provides at least two days' notice of a Special Meeting of the Board to be held on June 27, 2013. The Board may, by a majority vote, close a portion of the Special Meeting as necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting FirstNet, including pending or potential litigation. *See* 47 U.S.C. 1424(e)(2).

Matters to Be Considered: NTIA will post an agenda for the Special Meeting on its Web site at *http://www.ntia.doc.gov/category/firstnet* prior to the meeting. The agenda topics are subject to change.

Time and Date: The Special Meeting will be held on June 27, 2013, from 1:00 to 2:00 p.m. Eastern Daylight Time. The times and dates are subject to change. Please refer to NTIA's Web site at *http://www.ntia.doc.gov/category/firstnet* for the most up-to-date information.

Other Information: The teleconference for the Special Meeting is open to the public. On the date and time of the Special Meeting, members of the public may call toll-free 1 (888) 469–3306 and use passcode ''FirstNet'' to listen to the meeting. If you experience technical difficulty, please contact Helen Shaw by telephone (202) 482–1157; or via email *hshaw@ntia.doc.gov.* Public access will be limited to listen-only. Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis. The Special Meeting is accessible to people with disabilities. Individuals requiring accommodations are asked to notify Mr. Onyeije, by telephone (202) 482–0016 or email *uzoma@firstnet.gov,* at least two days (2) business days before the meeting.

Records: NTIA maintains records of all Board proceedings. Board minutes will be available at *http://www.ntia.doc.gov/category/firstnet.*

Dated: June 20, 2013.

Kathy D. Smith,

Chief Counsel.

[FR Doc. 2013–15131 Filed 6–24–13; 8:45 am]

BILLING CODE 3510–60–P

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

[OJP (OJJDP) Docket No. 1625]

Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

AGENCY: Coordinating Council on Juvenile Justice and Delinquency Prevention.

ACTION: Notice of meeting.

SUMMARY: The Coordinating Council on Juvenile Justice and Delinquency Prevention (Council) announces its next meeting.

DATES: Friday, July 26, 2013, from 10:00 a.m. to 12:00 p.m.

ADDRESSES: The meeting will take place in the third floor main conference room at the U.S. Department of Justice, Office of Justice Programs, 810 7th St. NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Visit the Web site for the Coordinating Council at *www.juvenilecouncil.gov* or contact Kathi Grasso, Designated Federal Official, by telephone at 202–616–7567 [Note: this is not a toll-free telephone number], or by email at *Kathi.Grasso@usdoj.gov.* The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The Coordinating Council on Juvenile Justice and Delinquency Prevention, established pursuant to Section 3(2)(A) of the Federal Advisory Committee Act (5 U.S.C. App. 2) will meet to carry out its advisory functions under Section 206 of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601, et seq. Documents such as meeting announcements, agendas, minutes, and reports will be available on the Council's Web page, *www.juvenilecouncil.gov,* where you may also obtain information on the meeting.

Although designated agency representatives may attend, the Council membership is composed of the Attorney General (Chair), the Administrator of the Office of Juvenile Justice and Delinquency Prevention (Vice Chair), the Secretary of Health and Human Services (HHS), the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement. The nine additional members are appointed by the Speaker of the House of Representatives, the Senate Majority Leader, and the President of the United States. Other federal agencies take part in Council activities including the Departments of Agriculture, Defense, the Interior, and the Substance and Mental Health Services Administration of HHS.

Meeting Agenda

The preliminary agenda for this meeting includes: (a) Presentations on and discussion of the June 2013 National Academy of Sciences report entitled: *Reforming Juvenile Justice: A*

Developmental Approach. In addition to updates from member agencies and practitioners, it is also anticipated that an update will be provided on the establishment of the American Indian and Alaska Native Task Force on Children Exposed to Violence.

Registration

For security purposes, members of the public who wish to attend the meeting must pre-register online at *www.juvenilecouncil.gov* no later than Monday, July 22, 2013. Should problems arise with web registration, call Daryel Dunston at 240–221–4343 or send a request to register to Mr. Dunston. Include name, title, organization or other affiliation, full address and phone, fax and email information and send to his attention either by fax to 301–945–4295, or by email to *ddunston@edjassociates.com.* [Note: these are not toll-free telephone numbers.] Additional identification documents may be required. Space is limited.

Note: Photo identification will be required for admission to the meeting.

Written Comments: Interested parties may submit written comments and questions by Monday, July 22, 2013, to Kathi Grasso, Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, at *Kathi.Grasso@usdoj.gov.* The Coordinating Council on Juvenile Justice and Delinquency Prevention expects that the public statements presented will not repeat previously submitted statements. Written questions from the public may also be invited at the meeting.

Robert L. Listenbee,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2013–15110 Filed 6–24–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Assistant Secretary of Defense, DoD.

ACTION: Meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act 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 announces that the following Federal Advisory Committee meeting of the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces (subsequently referred to as the Task Force) will take place.

DATES: Thursday, July 25, 2013–Friday, July 26, 2013 from 8:00 a.m. to 5:00 p.m. EDT.

ADDRESSES: DoubleTree by Hilton Hotel Washington DC-Crystal City, 300 Army Navy Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mail Delivery service through Recovering Warrior Task Force, Hoffman Building II, 200 Stovall St., Alexandria, VA 22332–0021. ''Mark as Time Sensitive for July Meeting''. Emails to *rwtf@wso.whs.mil.* Denise F. Dailey, Designated Federal Officer; Telephone (703) 325–6640. Fax (703) 325–6710.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of the meeting is for the Task Force Members to convene and vote for recommendations for their FY 2013 annual report.

Agenda: (Refer to *http://dtf.defense.gov/rwtf/meetings.html* for the most up-to-date meeting information.)

Day One: Thursday, July 25, 2013

8:00 a.m.–8:15 a.m. Administrative
8:15 a.m.–10:45 a.m. Task Force Consolidated Voting Session
10:45 a.m.–11:00 a.m. Break
11:00 a.m.–12:15 p.m. Task Force Consolidated Voting Session
12:15 p.m.–1:15 p.m. Break for Lunch
1:15 p.m.–2:30 p.m. Task Force Consolidated Voting Session
2:30 p.m.–2:45 p.m. Break
2:45 p.m.–4:00 p.m. Task Force Consolidated Voting Session
4:00 p.m.–4:15 p.m. Break
4:15 p.m.–5:00 p.m. Review of Language for iEHR Topic and Introduction
5:00 p.m. Wrap Up

Day Two: Friday, July 26, 2013

8:00 a.m.–8:15 a.m. Administrative
8:15 a.m.–8:30 a.m. Public Forum
8:30 a.m.–11:00 a.m. Task Force Consolidated Voting Session
11:00 a.m.–11:15 a.m. Break
11:15 a.m.–12:30 p.m. Task Force Consolidated Voting Session
12:30 p.m.–1:30 p.m. Break for Lunch
1:30 p.m.–2:30 p.m. Task Force Consolidated Voting Session
2:30 p.m.–2:45 p.m. Break
2:45 p.m.–4:00 p.m. Task Force Consolidated Voting Session
4:00 p.m.–4:15 p.m. Break
4:15 p.m.–5:00 p.m. Review Language for Executive Summary, Review Annex, and Review Appendices
5:00 p.m. Wrap Up

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces about its mission and functions. If individuals are interested in making an oral statement during the Public Forum, a written statement for a presentation of two minutes must be submitted and it must be identified as being submitted for an oral presentation by the person making the submission. Identification information must be provided and, at a minimum, must include a name and a phone number. Individuals may visit the Task Force Web site at *http://dtf.defense.gov/rwtf/* to view the Charter. Individuals making presentations will be notified by Monday, July 22, 2013. Oral presentations will be permitted only on Friday, July 26, 2013 from 8:15 a.m. to 8:30 a.m. EDT before the Task Force. The number of oral presentations will not exceed ten, with one minute of questions available to the Task Force members per presenter. Presenters should not exceed their two minutes.

Written statements in which the author does not wish to present orally may be submitted at any time or in response to the stated agenda of a planned meeting of the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.

All written statements shall be submitted to the Designated Federal Officer for the Task Force through the contact information in **FOR FURTHER INFORMATION CONTACT**, and this individual will ensure that the written statements are provided to the membership for their consideration.

Statements, either oral or written, being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed in **FOR FURTHER INFORMATION CONTACT** no later than 5:00 p.m. EDT, Thursday, July 18,

2013 which is the subject of this notice. Statements received after this date may not be provided to or considered by the Task Force until its next meeting. Please mark mail correspondence as ''Time Sensitive for July Meeting.''

The Designated Federal Officer will review all timely submissions with the Task Force Co-Chairs and ensure they are provided to all members of the Task Force before the meeting that is the subject of this notice.

Reasonable accommodations will be made for those individuals with disabilities who request them. Requests for additional services should be directed to Ms. Heather Moore, (703) 325–6640, by 5:00 p.m. EDT, Thursday, July 18, 2013.

Dated: June 20, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–15143 Filed 6–24–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2013–0028]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Air Force proposes to alter a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on July 26, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before July 25, 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: Mr. Charles J. Shedrick, Department of the Air Force Privacy Office, Air Force Privacy Act Office, Office of Warfighting Integration and Chief Information Officer, ATTN: SAF/CIO A6, 1800 Air Force Pentagon, Washington, DC 20330–1800, or by phone at (571) 256–2515.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's 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** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/privacy/SORNs/component/airforce/index.html.*

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, were submitted on May 13, 2013 to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and 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: June 20, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 AF PC P

System name:

Applications for Appointment and Extended Active Duty Files (June 11, 1997, 62 FR 31793).

* * * * *

CHANGES:

SYSTEM ID:

Delete entry and replace with ''F036 AFPC H''.

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Headquarters Air Force Personnel Center (AFPC), Line Officer Accessions Branch, 550 C Street West, Randolph Air Force Base, TX 78150–4703;

Headquarters Air Reserve Personnel Center, 18420 E. Silver Creek, Bldg #390 MS 68, Buckley Air Force Base, CO 80011–9502;

Headquarters Air National Guard Bureau, 3500 Fetchet Avenue, Andrews AFB, MD 20762–5157;

Headquarters Air Force Recruiting Service, 550 D Street West, Randolph Air Force Base, TX 78150–4527;

Air Force Recruiting Offices. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Applicants for appointment/reappointment as Air Force Reserve; Air National Guard; Air Reserve Component officers who apply for voluntary entry on Extended Active Duty; commissioned officers of other uniformed services who apply for interservice transfer to the Air Force.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Individual's application and supporting documents as applicable containing name, Social Security Number (SSN), Department of Defense Identification Number (DoD ID Number), date of birth, historical background, education data, medical history, physical status, prior service data, employment data, marital and dependency status, and aptitude test results.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 8013, Secretary of the Air Force; 10 U.S.C. 716, Commissioned officers: Transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service; 10 U.S.C. Chapter 1205, Appointment of Reserve Officers; 10 U.S.C. 12301, Reserve Components Generally; 10 U.S.C. 12320, Reserve Officers: Grade in which ordered to active duty; Department of Defense Instruction 1310.02, Appointing Commissioned Officers; Air Force Policy Directive 36–20, Accession of Air Force Military Personnel; Air Force Instruction (AFI) 36–2005, Appointment in Commissioned Grades and Designation and Assignment in Professional Categories—Reserve of the Air Force and United States Air Force; Air Force Instruction (AFI) 36–2004, Interservice Transfer of Officers to the United States Air Force (USAF) and the United States Air Force Reserve (USAFR); Air Force Instruction (AFI) 36–2008, Voluntary Extended Active Duty (EAD) for Air Force Reserve Commissioned Officers; and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''To determine eligibility for appointment to the Air Reserve Component, for interservice transfer, or for Extended Active Duty.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper records and electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Name, SSN and/or DoD ID number.''

SAFEGUARDS:

Delete entry and replace with ''Access to records is limited to person(s) responsible for servicing the record in the performance of their official duties and who are properly screened and cleared for need-to-know. System software uses Primary Key Infrastructure (PKI)/Common Access Card (CAC) authentication to lock out unauthorized access. Paper records are secured in locked cabinets or drawers in areas with controlled access entry requirements.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Commissioning Case Files are destroyed 12 months after end of the month of entry into Extended Active Duty (EAD); commissioning case file applications awaiting resubmission are destroyed 12 months after the end of the month in which final action is completed, interservice transfer case files are destroyed 5 years after the transfer of the officer; and recall cases (officers) are destroyed after 5 years. Paper records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Electronic records are destroyed by erasing, deleting, or overwriting.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Directorate of Personnel Services, Line Officer Accessions Branch Program Manager, Air Force Personnel Center, 550 C Street West, Suite 10, Randolph Air Force Base, TX 78150–4703.

Commander, Headquarters Air Reserve Personnel Center, 18420 E. Silver Creek Ave, Buckley Air Force Base, CO 80011–9502.

Commander, Headquarters Air Force Reserve Command, 255 Richard Ray Blvd., Robins Air Force Base, GA 31098–6001.

Commander, Headquarters Recruiting Service, 550 D Street West, Randolph Air Force Base, TX 78150–4527.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the system manager or respective recruiting office location. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

For verification purposes, individual should provide their full name, SSN and/or DoD ID Number, any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

IF EXECUTED WITHIN THE UNITED STATES, ITS TERRITORIES, POSSESSIONS, OR COMMONWEALTHS:

'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the system manager or respective recruiting office location. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

For verification purposes, individual should provide their full name, SSN and/or DoD ID Number, any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

IF EXECUTED WITHIN THE UNITED STATES, ITS TERRITORIES, POSSESSIONS, OR COMMONWEALTHS:

'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Air Force rules for accessing records, contesting contents and appealing initial agency determinations are published in Air Force Instruction 33–332, Air Force Privacy Program; 32 CFR part 806b; or may be obtained from the system manager.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Data is extracted from the Headquarters Air Force Master Personnel File; special orders; official correspondence submitted by the individual; individual appointment applications; letters of recommendation, and results of National Agency Check.''

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with ''Investigatory material compiled solely for purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1),(2), and (3), (c) and (e) published in 32 CFR part 806b. For additional information, contact the system manager.''

[FR Doc. 2013–15125 Filed 6–24–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2013–0017]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on July 26, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before July 25, 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: Mr. Leroy Jones, Jr., Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22315–3827 or by phone at 703–428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/privacy/SORNs/component/army/index.html.*

The proposed changes to the record system being amended are set forth below. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: June 20, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

AAFES 0903.06

SYSTEM NAME:

Personnel Management Information System (August 9, 1996, 61 FR 41572).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''All employees of the Army and Air Force Exchange Service (Exchange).''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Secretary of the Army and 8013, Secretary of the Air Force; Army Regulation 215–3, Nonappropriated Funds Personnel Policies and Procedures; Army Regulation 215–8/AFI 34–211(I), Army and Air Force Service Operations; and E.O. 9397 (SSN), as amended.''

* * * * *

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and replace with ''Paper records in file folders and electronic storage media.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Electronic data files reside in restricted areas accessible only to authorized personnel who are properly screened, cleared, and trained. Manual records and computer printouts containing personal identifiers are maintained in locked file cabinets and are available only to individuals having an official need to know.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Electronic system is unscheduled and considered permanent pending approval from the National Archives and Records Administration and the Archivist of the United States.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.

Individuals should provide full name, Social Security Number, current address and telephone number and, if terminated, include date of birth, date of separation, and last employing location.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.

Individuals should provide full name, Social Security Number, current address and telephone number and, if terminated, include date of birth, date of separation, and last employing location.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''From the employee, his/her supervisor, Exchange records and reports, Official Personnel Folder.''

* * * * *

[FR Doc. 2013–15152 Filed 6–24–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States (U.S.) Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy (DoN).

The following patents are available for licensing: U.S. Patent No. 8,262,938: Active Aluminum Rich Coatings, Navy Case PAX53, Inventors Matzdorf et al, issued September 11, 2012//U.S. Patent No. 8,277,688: Aluminum Alloy Coated Pigments and Corrosion-Resistant Coatings, Navy Case PAX81, Inventors Matzdorf et al, issued October 2, 2012//U.S. Patent Application No. 13/564,341: Oxide Coated Metal Pigments and Film-Forming Compositions, Navy Case PAX115, Inventors Matzdorf et al, filed August 1, 2012, and related Patent Cooperation Treaty (PCT) filing//U.S. Patent Application No. 13/628,232: Coated Aluminum Alloy Pigments and Corrosion-Resistant Coatings, Navy Case PAX121, Inventors Matzdorf et al, filed September 27, 2007, and related PCT filing.

ADDRESSES: Request for data, samples and inventor interviews should be directed to Mr. Dan Swanson, 406–994–7736, dss@montana.edu, TechLink, 2310 University Way, Building 2–2, Bozeman, MT 59715. TechLink is an authorized Department of Defense Partnership Intermediary.

DATES: Request for data, samples and inventor interviews should be made prior to August 1, 2013.

FOR FURTHER INFORMATION CONTACT: Naval Air Warfare Center Aircraft Division, Technology Transfer Office, 22473 Millstone Road, Building 505, Patuxent River, MD 20670, 301–342–1133.

SUPPLEMENTARY INFORMATION: The DoN intends to move expeditiously to license these inventions. Licensing application packages are available from TechLink and all applications and commercialization plans must be returned to TechLink by September 15, 2013. TechLink will turn over all completed applications to the DoN for evaluation by October 1, 2013, with final negotiations and awards occurring during the months of October and November, 2013.

The DoN will consider requests for nonexclusive and partially exclusive licenses in the U.S., and may prefer to grant an exclusive license outside of the U.S. to a company both capable of broad commercialization and the ability to prosecute and maintain national stage filings in most territories outside of the U.S. The DoN intends that licensees interested in a license in territories outside of the U.S. will assume foreign prosecution and pay the cost of such prosecution.

The DoN, in its decisions concerning the granting of licenses, will give special consideration to existing licensee's, small business firms, and consortia involving small business firms. The DoN intends to ensure that its licensed inventions are broadly commercialized throughout the United States.

Authority: 35 U.S.C. 207, 37 CFR Part 404.

Dated: June 18, 2013.

L.R. Almand,

Office of the Judge Advocate General, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 2013–15156 Filed 6–24–13; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0045]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Generic Clearance for Federal Student Aid Customer Satisfaction Surveys and Focus Groups Master Plan

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 25, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0045 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Generic Clearance for Federal Student Aid Customer Satisfaction Surveys and Focus Groups Master Plan.

OMB Control Number: 1845–0045.

Type of Review: Revision of an existing collection of information.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 95,300.

Total Estimated Number of Annual Burden Hours: 20,650.

Abstract: The Higher Education Amendments of 1998 established Federal Student Aid (FSA) as the first Performance-Based Organization (PBO). One purpose of the PBO is to improve service to students and other participants in the student financial assistance programs authorized under title IV, including making those programs more understandable to students and their parents. To do that, FSA has committed to ensuring that all people receive service that matches or exceeds the best service available in the private sector. The legislations requirements establish an ongoing need for FSA to be engaged in an interactive process of collecting information and using it to improve program services and processes.

Dated: June 19, 2013.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–15090 Filed 6–24–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0084]

Agency Information Collection Activities; Comment Request; Application for the Investing in Innovation (i3) Grants Program

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 26, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0084

or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov*. Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for the Investing in Innovation (i3) grants program.

OMB Control Number: 1855–0021.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 2,200.

Total Estimated Number of Annual Burden Hours: 117,000.

Abstract: The Investing in Innovation (i3) Fund was established under section 14007 of the American Recovery and Reinvestment Act of 2009 (ARRA). Since this is a competitive program, the Department needs to collect applications in order to determine which eligible applicants should receive a grant award. The Department will make three types of awards under this program: Scale-up Grants, Validation Grants, and Development Grants. These grants will provide funding to support local educational agencies (LEAs), and nonprofit organizations in partnership with one or more LEAs or a consortium of schools to apply for funding to expand and develop innovate practices that can serve as models of best practices; allow eligible entities to work in partnership with the private sector and the philanthropic community; and identify and document best practices that can be shared and taken to scale based on demonstrated success.

Dated: June 19, 2013.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–15091 Filed 6–24–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to reinstate for three years an information collection request with the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency; (b) 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) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before August 26, 2013. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to Mark Westergard, U.S. Department of Energy, LPO–70, Room 4B–160, 1000 Independence Avenue SW., Washington, DC 20585 or by fax at 202–287–6949.

FOR FURTHER INFORMATION CONTACT: Mark S. Westergard, *LPO.PaperworkReductionAct.Comments@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) Information Collection Request Title:10 CFR Part 609—Loan Guarantees for Projects that Employ Innovative Technologies; (2) Type of Request: Reinstatement (3) Purpose: This information collection package covers collection of information necessary to evaluate applications for loan guarantees submitted under Title XVII of the Energy Policy Act of 2005, as amended, 42 U.S.C. 16511–16516. Applications for loan guarantees submitted to DOE in response to a solicitation must contain certain information. This information will be used to analyze whether a project is eligible for a loan guarantee and to evaluate the application under criteria specified in 10 CFR Part 609. The collection of this information is critical to ensure that the government has sufficient information to determine whether applicants meet the eligibility requirements to qualify for a DOE loan guarantee and to provide DOE with sufficient information to evaluate an applicant's project using the criteria specified in 10 CFR Part 609; (5) Annual Estimated Number of Respondents: 100 Pre-Applications/10 Full Applications; (6) Annual Estimated Number of Total Responses: It is estimated that the total number of annual responses will not exceed 100; (7) Annual Estimated Number of Burden Hours: 13,000 hours, most of which is likely to be time committed by firms that seek debt and/or equity financing for their projects, regardless of their intent to apply for a DOE loan guarantee; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: It is estimated that the annual estimated reporting and recordkeeping cost burden for applicants will not exceed $25,000 per annum.

Authority: Title XVII of the Energy Policy Act of 2005 42 U.S.C. §§ 16511–16516 authorizes the collection of information.

Issued in Washington, DC, on June 18, 2013.

Susan Richardson,

Acting Executive Director, Loan Programs Office.

[FR Doc. 2013–15123 Filed 6–24–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Proposed Amendment of Agency Information Collection

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy is proposing to merge two information collections into one more broad collection, one of which is approved and one of which was previously proposed pursuant to the Paperwork Reduction Act of 1995. The approved collection is being used to develop a scorecard that will assist DOE's Clean Cities coalitions and stakeholders in assessing the level of readiness of their communities for plug-in electric vehicles (PEV). Information collected via the scorecard is intended to allow DOE to provide respondents with an objective assessment of their communities' readiness for PEV adoption and an understanding of their commitment to successful deployment of PEVs, and is needed to ensure appropriate evaluation of progress in deploying PEVs. The other, previously proposed information collection would be used to develop information that will enable DOE to measure the impact and progress of DOE's National Clean Fleets Partnership (Partnership). The Partnership is an initiative through which DOE provides large private-sector fleets with technical assistance and expertise to incorporate alternative fuels and fuel saving measures into their operations successfully. The initiative builds on the established success of DOE's Clean Cities Program. The Partnership was developed with input from fleet managers, industry representatives, Clean Cities program staff, and Clean Cities coordinators. DOE is also proposing to amend the PEV Scorecard information collection request by expanding the number of entities estimated to participate in the voluntary PEV Scorecard information collection.

DATES: Comments regarding this collection must be received on or before July 25, 2013. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4650.

ADDRESSES: Written comments should be sent to:

Desk Officer for the Department of Energy, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503

And to

Mr. Dennis Smith, Office of Energy Efficiency and Renewable Energy (EE–2G), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121, or by fax at 202–586–1600, or by email at *Dennis.Smith@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Smith at the address listed above in **ADDRESSES**.

SUPPLEMENTARY INFORMATION: The PEV Scorecard information collection was previously proposed and available for public comment. See 77 FR 19275 (March 30, 2012) and 77 FR 39690 (July 5, 2012) and has since been cleared for use under OMB No. 1910–5171. The Clean Fleets Partnership information collection request also was previously proposed and available for public comment. See 77 FR 65374 (October 26, 2012) and 78 FR 14519 (March 6, 2013). Because both requests were developed by and for the DOE Clean Cities Program, DOE is proposing to merge these two requests so that they would operate under the same OMB No. 1910–5171. Merging the two information collections would not affect any of the management of the information collection requests themselves, or management of the information collected.

DOE is also proposing to amend the estimated burden associated with the PEV Scorecard information collection request. Initially, DOE envisioned that only Clean Cities coordinators, of which there approximately 90 presently, would avail themselves of the PEV Scorecard and feedback it will provide. The PEV Scorecard has been received enthusiastically by communities beyond the Clean Cities coalitions. In the first month, the public was accessing the PEV Scorecard in numbers unanticipated, making it such that the approved limit, 100 respondents, will be reached before all Clean Cities coordinators have an opportunity to access the PEV Scorecard. To ensure all Clean Cities coordinators and leaders of other communities are able to access the PEV Scorecard, DOE is proposing to increase the total number of unduplicated responses, from 100 to 1,250. The number represents the possible number of participating communities, which in turn is based on the approximate number of ''Principal Cities'' within Core Based Statistical Areas (the U.S. Census Bureau defines there to be approximately 1,250) DOE wants to increase the number of potential respondents to ensure all Clean Cities coordinators are able to participate, and also to address the expression of interest on the part of Clean Cities coordinators to support multiple municipalities in completing the PEV Scorecard within their coalition.

As merged, the amended information collection request contains: (1) OMB No. 1910–5171; (2) Information Collection Request Title: Clean Cities Vehicle Programs; (3) Type of Request: Amended collection; (4) Purpose: DOE's Clean Cities initiative has developed two voluntary mechanisms by which communities and certain fleets can get a better understanding of their readiness to deploy alternative fuel vehicles and their progress in doing so. The voluntary PEV Scorecard is intended to assist its coalitions and stakeholders in assessing the level of readiness of their communities for plug-in electric vehicles. The principal objective of the scorecard is to provide respondents with an objective assessment and estimate of their respective community's readiness for PEV deployment as well as understand the respective community's commitment to deploying these vehicles successfully. DOE intends the scorecard to be completed by a city/county/regional sustainability or energy coordinator. As the intended respondent may not be aware of every aspect of local or regional PEV readiness, coordination among local stakeholders to gather appropriate information may be necessary. See also 77 FR 19275 (March 30, 2012).

For the PEV Scorecard information collection request, DOE now expects that many communities beyond simply the Clean Cities coalitions may want to avail themselves of the opportunity to assess their respective community's PEV readiness. Therefore, DOE expects a total respondent population of approximately 1,250 respondents. Selecting the multiple choice answers in completing a scorecard questionnaire is expected to take under 30 minutes,

although additional time of no more than 20 hours may be needed to assemble information necessary to be able to answer the questions, leading to a total burden of approximately 25,625 hours. Assembling information to update questionnaire answers in the future on a voluntary basis would be expected to take less time, on the order of 10 hours, as much of any necessary time and effort needed to research information would have been completed previously;

For the Clean Fleets Partnership information collection request, the Partnership is targeted at large, private-sector fleets that own or have contractual control over at least 50 percent of their vehicles and have vehicles operating in multiple States. DOE expects approximately 50 fleets to participate in the Partnership and, as a result, DOE expects a total respondent population of approximately 50 respondents. Providing initial baseline information for each participating fleet, which occurs only once, is expected to take 60 minutes. Follow-up questions and clarifications for the purpose of ensuring accurate analyses are expected to take up to 90 minutes. The total burden is expected to be 125 hours.

The combined burden for the two information collections is 25,750 hours.

(5) Type of Respondents: Public; (6) Annual Estimated Number of Respondents for both information collections: 1,300; (7) Annual Estimated Number of Total Responses: 1,300; (7) Annual Estimated Number of Burden Hours: 25,750 (25,625 for PEV Scorecard, and 125 for Clean Fleets Partnership); and (8) Annual Estimated Reporting and Recordkeeping Cost Burden: There is no cost associated with reporting and recordkeeping.

Authority: 42 U.S.C. 13233; 42 U.S.C. 13252 (a)–(b); 42 U.S.C. 13255.

Issued in Washington, DC, on: June 12, 2013.

Patrick B. Davis,

Director, Vehicle Technologies Office, Energy Efficiency and Renewable Energy.

[FR Doc. 2013–15126 Filed 6–24–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 349–000]

Alabama Power Company; Notice of Authorization for Continued Project Operation

On June 5, 2008, the Alabama Power Company, licensee for the Martin Dam Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Martin Dam Hydroelectric Project is located on Tallapoosa River, in Tallapoosa, Coosa, and Elmore counties.

The license for Project No. 349 was issued for a period ending June 8, 2013. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 349 is issued to the licensee for a period effective June 9, 2013 through June 8, 2014 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before June 8, 2014, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Alabama Power Company, is authorized to continue operation of the Martin Dam Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: June 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–15069 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–975–000.
Applicants: Millennium Pipeline Company, LLC.
Description: System Map Update to be effective 7/12/2013.
Filed Date: 6/11/13.
Accession Number: 20130611–5101.
Comments Due: 5 p.m. ET 6/24/13.

Docket Numbers: RP13–976–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Amendment to Neg Rate Agmt (Devon 10–9, 10) to be effective 6/13/2013.
Filed Date: 6/12/13.
Accession Number: 20130612–5059.
Comments Due: 5 p.m. ET 6/24/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR § 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP12–1006–000.
Applicants: Colorado Interstate Gas Company LLC.
Description: Compliance Report of Colorado Interstate Gas Company, L.L.C.
Filed Date: 6/11/13.
Accession Number: 20130611–5151.
Comments Due: 5 p.m. ET 6/24/13.

Docket Numbers: RP12–1100–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Compliance Report of Wyoming Interstate Company, L.L.C.
Filed Date: 6/11/13.
Accession Number: 20130611–5152.
Comments Due: 5 p.m. ET 6/24/13.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR § 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 13, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–15074 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–212–000.
Applicants: Boardwalk Storage Company, LLC.
Description: Operational Purchases and Sales Report 2012.
Filed Date: 6/13/13.
Accession Number: 20130613–5033.
Comments Due: 5 p.m. ET 6/25/13.

Docket Numbers: RP13–977–000.
Applicants: Bobcat Gas Storage.
Description: Non-conforming Agreement and Updates to be effective 7/15/2013.
Filed Date: 6/14/13.
Accession Number: 20130614–5088.
Comments Due: 5 p.m. ET 6/26/13.

Docket Numbers: RP13–978–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 06/14/13 Negotiated Rates—Cargill Incorporated (RTS) 3085–13 & 14 to be effective 6/15/2013.
Filed Date: 6/14/13.
Accession Number: 20130614–5109.
Comments Due: 5 p.m. ET 6/26/13.

Docket Numbers: RP13–979–000.
Applicants: Rockies Express Pipeline LLC.
Description: Neg Rate NC 2013–06–14 Encana to be effective 6/15/2013.
Filed Date: 6/14/13.
Accession Number: 20130614–5110.
Comments Due: 5 p.m. ET 6/26/13.

Docket Numbers: RP13–980–000.
Applicants: Northern Natural Gas Company.
Description: 20130614 Macquarie Energy Non-Conforming to be effective 7/1/2013.
Filed Date: 6/14/13.
Accession Number: 20130614–5149.
Comments Due: 5 p.m. ET 6/26/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 17, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–15075 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–500–000]

Hanover Foods Corporation v. Columbia Gas Transmission, LLC; Notice of Complaint

Take notice that on June 13, 2013, pursuant to the Natural Gas Act, 15 U.S.C. 717 *et seq.* and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Hanover Foods Corporation (Complainant) filed a formal complaint against Columbia Gas Transmission, LLC (Respondents), for improperly exercising the right of condemnation and pipeline construction over the Complaint's property under a thirty-year old blanket certificate issued by the Commission, as more fully explained in the complaint.

Hanover Foods Corporation certifies that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 3, 2013.

Dated: June 14, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–15076 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL13–74–000]

Demand Response Supporters v. New York Independent System Operator, Inc.; Notice of Complaint

Take notice that on June 17, 2013, pursuant to section 206 of the Federal Power Act, 16 USC 824(e) and Rule 206 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206, Demand Response Supporters (Complainant) filed a formal complaint against New York Independent System Operator, Inc. (NYISO or Respondents), seeking an order requiring NYISO to amend its tariffs to allow demand

response facilitated by behind-the-meter generation to be compensated at full Locational Marginal Price, as more fully discussed in the complaint.

The complainant certifies that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 8, 2013.

Dated: June 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–15068 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF13–9–000]

Magnolia LNG, LLC; Liquefied Natural Gas Limited; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Magnolia Liquefied Natural Gas Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Magnolia Liquefied Natural Gas Project (Magnolia LNG Project) involving construction and operation of facilities by Magnolia LNG, LLC (Magnolia) in Calcasieu Parish, Louisiana. The Commission will use this EIS in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. Please note that the scoping period will close on July 19, 2013.

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meeting scheduled as follows:

FERC Public Scoping Meeting, Magnolia LNG Project, July 11, 2013; 6:00 p.m. local time.

Historic Cash & Carry Building, 801 Enterprise Blvd., Lake Charles, LA 70601.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

Summary of the Planned Project

Magnolia, a newly formed subsidiary of Liquefied Natural Gas Limited, plans to build, own, and operate the Magnolia LNG facility located on land at the Port of Lake Charles within Calcasieu Parish, south of Lake Charles, Louisiana. The facility would receive natural gas from North American sources via an existing pipeline and would liquefy and store it for export and domestic use.

The Magnolia LNG Project would consist of the following facilities:

- Four liquefaction trains, with a capacity of 2.0 metric tons per annum (mtpa) for a total of 8.0 mtpa nominal capacity;
- approximately 200 feet of interconnect pipeline located entirely within the project site;
- two LNG storage tanks with a capacity of approximately 160,000 cubic meters each;
- an LNG vessel loading terminal and berth; and
- an LNG truck loading area, as well as other ancillary facilities.

The general location of the project facilities is shown in Appendix 1.[1]

Land Requirements for Construction

The planned liquefaction facilities would be constructed on an approximately 108-acre parcel of land located within Industrial Canal South Shore PLC Tract 475 at the Port of Lake Charles. The construction of the LNG vessel loading terminal and berth would require approximately 1.3 million cubic yards of material to be dredged from the Industrial Canal. The location is zoned for heavy industrial use on an industrial canal off the main Calcasieu River Ship Channel. Magnolia is still in the planning phase for the Magnolia LNG Project and some additional workspace requirements have not been finalized.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of an authorization under Section 3a of the Natural Gas Act. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

filed comments during the preparation of the EIS.

In the EIS, we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- land use;
- water resources and wetlands;
- cultural resources;
- vegetation, fisheries, and wildlife;
- socioeconomics;
- air quality and noise;
- endangered and threatened species; and
- public safety.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS. In addition, representatives from the FERC participated in the public open house sponsored by Magnolia in Lake Charles, Louisiana on May 2, 2013 to explain the environmental review process and answer questions from interested stakeholders.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 5 of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EIS.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Coast Guard and the U.S. Army Corps of Engineers have expressed their intention to participate as cooperating agencies in the preparation of the EIS.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Louisiana State Historic Preservation Office (SHPO), and to solicit its views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4]

We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction area, contractor storage yards, and access roads). Our EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Magnolia. This preliminary list of issues may change based on your comments and our analysis. Issued identified include:

- Potential impacts on ship and barge traffic, recreational fishing, and aquatic resources in the Calcasieu Ship Channel;
- potential water quality impacts from dredging;
- visual effects on surrounding areas;
- public safety and hazards associated with the transport of natural gas and LNG; and
- potential impacts and benefits of the construction workforce on local housing, infrastructure, public services, and the economy.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before July 19, 2013. This is not your only public input opportunity; please refer to the Environmental Review Process flowchart in Appendix 2.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF13–9–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) whose

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, § 1501.6.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 3).

Becoming an Intervenor

Once Magnolia LNG, LLC files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project. To know when a formal application is filed with the Commission, we recommend that interested parties eSubscribe to the docket for this project (PF13–9–000). Directions to eSubscribe are detailed below.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF13-9). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: June 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–15082 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 349–173]

Alabama Power, Inc.; Supplement to Notice of Availability of the Draft Environmental Impact Statement for the Martin Dam Hydroelectric Project Announcing Public Meeting

On June 6, 2013, the Commission issued a Draft Environmental Impact Statement (draft EIS) for the Martin Dam Hydroelectric Project No. 349–173 (Martin Dam Project). The draft EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff. All written comments must be filed by August 13, 2013, and should reference Project No. 349–173. More information on filing comments can be found in the letter at the front of the draft EIS or on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Although the Commission strongly encourages electronic filing, documents may also be paper-filed.

In addition to or in lieu of sending written comments, you are invited to attend a public meeting that will be held to receive comments on the draft EIS. The time and location of the meeting is as follows:

Date: Wednesday, July 17, 2013.

Time: 6:30 p.m. to 9:30 p.m.

Place: Central Alabama Community College, Betty Carol Graham Technology Center.

Address: 1675 Cherokee Road, Alexander City, Alabama 35010.

At this meeting, resource agency personnel and other interested persons will have the opportunity to provide oral and written comments and recommendations regarding the draft EIS. The meeting will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project. This meeting is posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

For further information, contact Stephen Bowler at (202) 502–6861 or at *stephen.bowler@ferc.gov.*

Dated: June 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–15071 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1661–000]

Nextenergy Services LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of NEXTENERGY SERVICES LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is July 5, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://*

www.ferc.gov. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 14, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–15079 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1665–000]

Novo BioPower LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Novo BioPower LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is July 5, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 14, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–15080 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL13–72–000]

ISO New England Inc.; Notice of Initiation of Proceeding and Refund Effective Date

On June 14, 2013, the Commission issued an order that initiated a proceeding in Docket No. EL13–72–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2006), to determine the justness and reasonableness of section III.A.15 of Appendix A of ISO New England Inc.'s existing tariff. *Dominion Energy Marketing, Inc. and ISO New England Inc.,* 143 FERC ¶ 61,233 (2013).

The refund effective date in Docket No. EL13–72–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Dated: June 14, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–15078 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12642–005]

Wilkesboro Hydroelectric Company, LLC; Wilkesboro Hydropower, LLC; Notice of Application for Transfer of License, and Soliciting Comments and Motions To Intervene

On April 15, 2013, Wilkesboro Hydroelectric Company, LLC (transferor) and Wilkesboro Hydropower, LLC (transferee) filed an application for the transfer of license for the W. Kerr Scott Hydropower Project, FERC No. 12642, located on the Yadkin River in Wilkes County, North Carolina.

Applicants seek Commission approval to transfer the license for the W. Kerr Scott Hydropower Project from the transferor to the transferee.

Applicants' Contact: For Transferor and Transferee: Mr. Kevin Edwards, Wilkesboro Hydropower, LLC, 1000 CN Smith Mill Road, Stoneville, NC 27048, telephone (336) 589–6138 and Mr. Donald H. Clarke, Esq., Duncan, Weinberg, Genzer, and Pembroke, P.C., 1615 M Street NW., Suite 800, Washington, DC 20036, telephone (202) 467–6370.

FERC Contact: Patricia W. Gillis (202) 502–8735, *patricia.gillis@ferc.gov.*

Deadline for filing comments and motions to intervene: *30 days* from the issuance date of this notice by the Commission. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1) and the instructions on the Commission's Web site under *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original plus five

copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. More information about this project can be viewed or printed on the eLibrary link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–12642) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–15073 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2206–030]

Duke Energy Progress, Inc.; Notice of Video Conference To Discuss Yadkin-Pee Dee Hydroelectric Project Biological Opinion

On April 29, 2013, the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration filed its Biological Opinion on the relicensing of the Yadkin-Pee Dee River Hydroelectric Project No. P–2206. The document included NMFS' terms and conditions for protection or federally endangered shortnose sturgeon and Atlantic sturgeon.

On July 1, 2013, from 9 a.m. to 12 p.m. (Eastern Time), NMFS will host a video conference to describe and discuss the terms and conditions in the Biological Opinion. FERC staff will take part in the meeting.

With questions regarding participating in the meeting, please contact Cathy Tortorici of NMFS at *cathy.tortorici@noaa.gov* or at (727) 209–5953. Please do so by Monday, June 24, 2013. With questions regarding FERC staff's participation in the meeting, please contact Stephen Bowler at *stephen.bowler@ferc.gov* or at (202) 502–6861.

Dated: June 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–15072 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Petition for Enforcement and Declaratory Order

In the matter of: Hydrodynamics Inc., Montana Marginal Energy, Inc., WINData, LLC, Hydrodynamics Inc., Montana Marginal Energy, Inc., Two Dot Wind Energy, LLC, Mo Wind, LLC, Greenfield Wind LLC, Fairfield Wind LLC, Greenfield Wind II, LLC, Coyote Wind LLC, EL13–73–000, QF85–212–001, QF08–556–001, QF08–557–001, QF08–558–001, QF08–559–001, QF08–598–001, QF03–36–001, QF03–127–001, QF04–87–001, QF04–157–001, QF10–668–001, QF05–140–001, QF11–449–002, QF11–450–003, QF13–425–001, QF13–421–001.

Take notice that on June 17, 2013, pursuant to section 210(h)(2) of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 USC 824a–3(h) (2011) and Rule 207 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.207 (2012), Hydrodynamics, Inc., Montana Marginal Energy, Inc., and WINData, LLC (collectively Petitioners) filed a petition for enforcement and a petition for declaratory order, requesting the Commission take enforcement action under section 210(h) of PURPA, or in the alternative, issue a declaratory order finding that the Montana Public Service Commission's (MPSC) rule A.R.M. 38.5.1902(5)(MPSC Rule), and MPSC decisions interpreting the MPSC Rule, fail to implement PURPA and the Commission's regulations insofar as the MPSC Rule eliminates the rights of qualifying facilities (QFs) to create a legally enforceable obligation and to choose how to sell their energy and capacity.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 8, 2013.

Dated: June 18, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–15070 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL13–71–000 ; QF13–403–001]

Winding Creek Solar LLC; Notice of Petition for Enforcement

Take notice that on June 13, 2013, Winding Creek Solar LLC filed a Petition for Enforcement, pursuant to section 210(h)(2)(B) of the Public Utility Regulatory Policies Act of 1978 (PURPA), requesting the Federal Energy Regulatory Commission (Commission) to exercise its authority and initiate enforcement action against the California Public Utilities Commission (CPUC) to remedy the CPUC's improper implementation of PURPA by implementing a feed-in tariff program, called the Section 399.20 or Re-MAT Program, contrary to the requirements of PURPA and the Commission's regulations.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or

protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 5, 2013.

Dated: June 14, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–15077 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped chronologically, in ascending order. These filings are 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, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866)208–3676, or for TTY, contact (202)502–8659.

Exempt:

Docket No.	*Filed date*	*Presenter or requester*
1. P–13590–000	05–24–13	FERC Staff.[1]
2. IS13–265–000	05–28–13	US Congress.[2]
3. P–12790–000	05–31–13	FERC Staff.[3]
4. CP13–483–000, CP13–492–000	06–4–13	FERC Staff.[4]
5. P–2144–000	06–10–13	Hon. Cathy McMorris Rodgers.
6. P–14241–000	06–11–13	Gov. Sean Parnell.
7. P–2232–000	06–11–13	Hon. Patrick McHenry.
8. CP12–30–000	06–11–13	Hon. Rodney P. Frelinghuysen.
9. P–459–000	06–12–13	Hon. Blaine Luetkemeyer.
10. P–1971–000	06–14–13	Brian D. Miller, P.E., PMP.

[1] Email record.
[2] Letter signed by: Hons. Mark Pryor, John Boozman, Rick Crawford, Tim Griffin and Steve Womack.
[3] Email record.
[4] FERC staff attended a meeting in Portland, OR.

Dated: June 14, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–15081 Filed 6–24–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2012–0675; FRL–9533–3]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; EPA's Design for the Environment Formulator Product Recognition Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''EPA's Design for the Environment Formulator Product Recognition Program'' (EPA ICR No. 2302.02, OMB Control No. 2070–0178), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

This is a renewal of the ICR that is currently approved through June 30, 2013. Public comments were previously requested via the **Federal Register** (77 FR 71415) on November 30, 2012, during a 60-day comment period. The ICR, which is abstracted below, describes the nature of the information collection activity and its expected burden and costs. Copies of the ICR and related documents are available in the docket.

DATES: Additional comments may be submitted on or before July 25, 2013.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2012–0675, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by email to *oppt.ncic@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Pamela Myrick, Deputy Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Mail code: 7408–M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–554–1404; fax number: 202–564–8251; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Abstract: EPA's Design for the Environment (DfE) Formulator Product Recognition Program formally recognizes safer products where all ingredients have an environmental and human health profile showing that they are the safest in their functional use class. Under the encouragement of this program, leading companies have made great progress in developing safer, highly effective chemical products. Since the program's inception in 1997, formulators have used the program as a portal to OPPT's unique chemical expertise, information resources, and guidance on greener chemistry. DfE Formulator partners enjoy Agency recognition, including the use of the DfE logo on products with the safest possible formulations. In the future, EPA expects much greater program participation due to rising demand for safer products. This information collection enables EPA to accommodate participation by more than nine formulators each year and to enhance program transparency.

Information collection activities associated with this program will assist the Agency in meeting the goals of the Pollution Prevention Act (PPA) (42 U.S.C. 13101 *et seq.*) by providing resources and recognition for businesses committed to promoting and using safer chemical products. In turn, the program will help businesses meet corporate sustainability goals by providing the means to, and an objective measure of, environmental stewardship. Investment analysts and advisers seek these types of measures in evaluating a corporation's sustainability profile and investment worthiness. Formulator Program partnership is an important impetus for prioritizing and completing the transition to safer chemical products. The Formulator Program is also needed to promote greater use of safer chemical products by companies unaware of the benefits of such a change. EPA has tailored its request for information, and especially the Formulator Product Recognition Program application forms, to ensure that the Agency requests only that information essential to verify applicants' eligibility for recognition.

Responses to the collection of information are voluntary. Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Respondents/affected entities: Entities potentially affected by this action are establishments engaged in the formulation of end-use, for-sale chemical products, identified by NAICS codes 325510 (Paint and Coating Manufacturing), 325611 (Soap and Other Detergent Manufacturing), 325612 (Polish and Other Sanitation Good Manufacturing), 325910 (Printing Ink Manufacturing), 325992 (Photographic Film, Paper, Plate, and Chemical Manufacturing), and 325998 (All Other Miscellaneous Chemical Product and Preparation Manufacturing).

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 66 (total).

Frequency of response: On occasion.

Total estimated burden: 1,193 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $396,800 per year, including operation and maintenance costs.

Changes in the Estimates: There is an increase of 502 hours, as well as a cost increase of $14,000, in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase reflects EPA's higher estimate of the number of likely respondents to this information collection. This change is an adjustment. The Supporting Statement provides additional detail concerning the change in burden estimate.

Richard T. Westlund,

Acting Director, Collection Strategies Division.

[FR Doc. 2013–15036 Filed 6–24–13; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice 2013–0031]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP087912XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

Reference: AP087912XX.

Purpose and Use:

Brief description of the purpose of the transaction:

A loan guarantee to Petroleos Mexicanos to support the procurement of U.S. goods and services to be used in its oil and gas projects.

Brief non-proprietary description of the anticipated use of the items being exported:

The loan will enable Petroleos Mexicanos to finance the purchase of U.S. goods and services to be used in Pemex's on- and off-shore oil and gas exploration and production areas.

To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier(s):

- Solar Turbines International Co.
- Noble Drilling Services Inc.
- Diamond Offshore Services Co.

Obligor: Petroleos Mexicanos.

Guarantor(s): Pemex Exploracion y Produccion; Pemex Refinacion; Pemex Gas y Petroquimica Basica.

Description of Items Being Exported: Drilling rigs, platform rentals, compressors, oil field services and related equipment.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

DATES: Comments must be received on or before July 22, 2013 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through Regulations.gov at *WWW.REGULATIONS.GOV.* To submit a comment, enter EIB–2013–0031 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2013–0031 on any attached document.

Cristopolis A. Dieguez,

Program Specialist, Office of General Counsel.

[FR Doc. 2013–15128 Filed 6–24–13; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: 2013–0032]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP087913XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

Reference: AP087913XX.

Purpose and Use:

Brief description of the purpose of the transaction:

A loan guarantee to Petroleos Mexicanos to support the procurement of U.S. goods and services from U.S. small businesses to be used in its oil and gas projects.

Brief non-proprietary description of the anticipated use of the items being exported:

The loan will enable Petroleos Mexicanos to finance the purchase of U.S. goods and services from U.S. small businesses to be used in Pemex's on- and off-shore oil and gas exploration and production areas.

To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier(s):

- IPS International, LLC.
- Quantum Reservoir Impact, LLC.
- Micro Smart Systems, Inc.

Obligor: Petroleos Mexicanos.

Guarantor(s): Pemex Exploracion y Produccion; Pemex Refinacion; Pemex Gas y Petroquimica Basica.

Description of Items Being Exported: Drilling rigs, platform rentals, compressors, oil field services and related equipment.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

DATES: Comments must be received on or before July 22, 2013 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through *Regulations.gov at WWW.REGULATIONS.GOV.* To submit a comment, enter EIB–2013–0032 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2013–0032 on any attached document.

Cristopolis A. Dieguez,

Program Specialist, Office of General Counsel.

[FR Doc. 2013–15129 Filed 6–24–13; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

Sunshine Act Meetings

ACTION: Notice of a Partially Open Meeting of the Board of Directors of the Export-Import Bank of the United States.

TIME (CHANGE) AND PLACE: Thursday, June 27, 2013 at 2:00 p.m. The meeting will be held at Ex-Im Bank in Room 321, 811 Vermont Avenue NW., Washington, DC 20571.

OPEN AGENDA ITEMS: Item No. 1: Ex-Im Bank's Environmental Procedures and Guidelines.

PUBLIC PARTICIPATION: The meeting will be open to public observation for Item No. 1 only.

FURTHER INFORMATION: Members of the public who wish to attend the meeting should call Joyce Stone, Office of the Secretary, 811 Vermont Avenue NW., Washington, DC 20571 (202) 565–3336 by close of business Tuesday, June 25, 2013.

Cristopolis A. Dieguez,

Program Specialist, Office of General Counsel.

[FR Doc. 2013–15255 Filed 6–21–13; 11:15 am]

BILLING CODE 6690–01–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Special Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board was held at the offices of the Farm Credit Administration in McLean, Virginia, on June 19, 2013, from 4:00 p.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting will be closed to the public. The matters to be considered at the meeting are:

Closed Session *

Motion to:

- Call the special meeting with less than one-week public announcement
- Approve Agenda
- Hold a Closed Session under the Government in the Sunshine Act
- Appoint an Agency Official

Dated: June 20, 2013.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2013–15216 Filed 6–21–13; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: *Thursday, June 27, 2013 at 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of the Minutes for the Meeting of June 13, 2013;

Future Meeting Dates;

Draft Interpretive Rule on Reporting Ultimate Payees of Political Committee Disbursements;

OGC Enforcement Manual;

Management and Administrative Matters.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2013–15223 Filed 6–21–13; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Cynthia Ayouch—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following reports:

1. Report title: Survey to Obtain Information on the Relevant Market in Individual Merger Cases.

Agency form number: FR 2060.

OMB control number: 7100–0232.

Frequency: On occasion.

Reporters: Small businesses and consumers.

Annual reporting hours: 9 hours.

Estimated average hours per response: Small businesses, 10 minutes; consumers, 6 minutes.

Number of respondents: 25 small businesses and 50 consumers per survey.

General description of report: This information collection is voluntary pursuant to the Change in Bank Control Act (12 U.S.C. 1817(j)(7)(A) and (B)), the Bank Merger Act (12 U.S.C. 1828(c)(5)), and section 3(c)(1) of the Bank Holding Company Act (BHC Act) (12 U.S.C. 1842(c)(1)). Individual responses are confidential pursuant to the Freedom of Information Act (5 U.S.C. 552 (b)(4) and (b)(6)) for small businesses and consumers, respectively.

Abstract: The Federal Reserve uses this information to define relevant banking markets for specific merger and acquisition applications and to evaluate changes in competition that would result from proposed transactions, including purchase and assumption agreements.

Current Actions: On April 15, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 22261) seeking public comment for 60 days on the extension, with revision, of the FR 2060. The comment period for this notice expired on June 14, 2013. The Federal Reserve did not receive any comments. The revision will be implemented as proposed.

2. Report title: Notice Claiming Status as an Exempt Transfer Agent.

Agency form number: FR 4013.

OMB control number: 7100–0137.

Frequency: On occasion.

Reporters: Banks, Bank Holding Companies (BHCs), SLHCs, and certain trust companies.

Annual reporting hours: 20 hours.

Estimated average hours per response: 2 hours.

Number of respondents: 10.

General description of report: This information collection is mandatory pursuant to section 17A(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(c)) as amended by the Securities Acts Amendments of 1975.

* Session Closed-Exempt pursuant to 5 U.S.C. 552b(c)(2).

This section provides for the registration of transfer agents within the appropriate regulatory agencies (including the Federal Reserve under 15 U.S.C. 78c(a)(34)(B)(ii). The data collected are not given confidential treatment.

Abstract: Banks, BHCs, and trust companies subject to the Federal Reserve's supervision that are low-volume transfer agents voluntarily file the notice on occasion with the Federal Reserve. Transfer agents are institutions that provide securities transfer, registration, monitoring, and other specified services on behalf of securities issuers. The purpose of the notice, which is effective until the agent withdraws it, is to claim exemption from certain rules and regulations of the Securities and Exchange Commission (SEC). The Federal Reserve uses the notices for supervisory purposes because the SEC has assigned to the Federal Reserve responsibility for collecting the notices and verifying their accuracy through examinations of the respondents. There is no formal reporting form and each notice is filed as a letter.

Current Actions: On April 15, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 22261) seeking public comment for 60 days on the extension, with revision, of the FR 4013. The comment period for this notice expired on June 14, 2013. The Federal Reserve did not receive any comments. The revision will be implemented as proposed.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

1. *Report title:* Request for Extension of Time to Dispose of Assets Acquired in Satisfaction of Debts Previously Contracted.

Agency form number: FR 4006.

OMB control number: 7100–0129.

Frequency: Annual.

Reporters: BHCs.

Annual reporting hours: 885 hours.

Estimated average hours per response: 5 hours.

Number of respondents: 177.

General description of report: This information collection is required to obtain a benefit pursuant to sections 4(a) and 4(c)(2) of the BHC Act (12 U.S.C. 1843(a) and (c)(2)) and may be given confidential treatment upon request. The Federal Reserve has established a procedure for requesting an extension in its Regulation Y (12 CFR 225.22(d)(1) and 225.140).

Abstract: A BHC that acquired voting securities or assets through foreclosure in the ordinary course of collecting a debt previously contracted may not retain ownership of those shares or assets for more than two years without prior Federal Reserve approval. There is no formal reporting form and each request for extension must be filed at the appropriate Reserve Bank of the BHC. The Federal Reserve uses the information provided in the request to fulfill its statutory obligation to supervise BHCs.

Current actions: On April 15, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 22261) seeking public comment for 60 days on the extension, without revision, of the FR 4006. The comment period for this notice expired on June 14, 2013. The Federal Reserve did not receive any comments.

2. *Report title:* Stock Redemption Notification.

Agency form number: FR 4008.

OMB control number: 7100–0131.

Frequency: On occasion.

Reporters: BHCs.

Reporters: BHCs.

Annual reporting hours: 155 hours.

Estimated average hours per response: 15.5 hours.

Number of respondents: 10.

General description of report: This information collection is mandatory pursuant to Sections 5(b) and (c) of the BHC Act (12 U.S.C. 1844(b) and (c)) and is generally not given confidential treatment. However, a respondent may request that the information be kept confidential on a case-by-case basis.

Abstract: The BHC Act and Regulation Y generally require a BHC to seek prior Federal Reserve approval before purchasing or redeeming its equity securities. Given that a BHC is exempt from this requirement if it meets certain financial, managerial, and supervisory standards, only a small portion of proposed stock redemptions actually require the prior approval of the Federal Reserve. There is no formal reporting form. The Federal Reserve uses the information provided in the redemption notice to fulfill its statutory obligation to supervise BHCs.

Current actions: On April 15, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 22261) seeking public comment for 60 days on the extension, without revision, of the FR 4008. The comment period for this notice expired on June 14, 2013. The Federal Reserve did not receive any comments.

3. *Report title:* Investment in Bank Premises Notification.

Agency form number: FR 4014.

OMB control number: 7100–0139.

Frequency: On occasion.

Reporters: State member banks (SMBs).

Annual reporting hours: 6 hours.

Estimated average hours per response: 30 minutes.

Number of respondents: 11.

General description of report: This information collection is required to obtain a benefit pursuant to Section 24A(a) of the Federal Reserve Act (12 U.S.C. 371d(a)) and is not given confidential treatment. However, a respondent may request confidential treatment for all or part of a notification, which would be reviewed on a case-by-case basis.

Abstract: The Federal Reserve Act requires SMBs to seek prior Federal Reserve approval before making an investment in bank premises that exceeds certain thresholds. There is no formal reporting form, and each required request for prior approval must be filed as a notification with the appropriate Reserve Bank of the SMB. The Federal Reserve uses the information provided in the notice to fulfill its statutory obligation to supervise SMBs.

Current actions: On April 15, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 22261) seeking public comment for 60 days on the extension, without revision, of the FR 4014. The comment period for this notice expired on June 14, 2013. The Federal Reserve did not receive any comments.

Board of Governors of the Federal Reserve System, June 20, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–15168 Filed 6–24–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), pursuant to 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR Part 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission,

supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 26, 2013.

ADDRESSES: You may submit comments, identified by FR Y–14A, FR Y–14Q, or FR Y–14M, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov*. Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx*.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets NW.,) between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer, Cynthia Ayouch, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Reports

Report title: Capital Assessments and Stress Testing information collection.

Agency form number: FR Y–14A/Q/M.

OMB control number: 7100–0341.

Frequency: Annually, semi-annually, quarterly, and monthly.

Reporters: Large banking organizations that meet an annual threshold of $50 billion or more in total consolidated assets (large Bank Holding Companies or large BHCs), as defined by the Capital Plan rule (12 CFR 225.8).[1]

Estimated annual reporting hours: Summary, 61,320 hours; Macro scenario, 1,860 hours; Counterparty credit risk (CCR), 2,521 hours; Basel III/Dodd-Frank, 660 hours; and Regulatory capital, 660 hours. FR Y–14 Q: Securities risk, 1,200 hours; Retail risk, 1,920 hours; Pre-provision net revenue (PPNR), 85,500 hours; Wholesale corporate loans, 6,720 hours; Wholesale commercial real estate (CRE) loans, 6,480 hours; Trading risk, 46,234 hours; Basel III/Dodd-Frank, 2,640 hours; Regulatory capital, 4,800 hours; Operational risk, 3,360 hours; Mortgage Servicing Rights (MSR) Valuation, 864 hours; Supplemental, 960 hours; and Retail Fair Value Option/Held for Sale (Retail FVO/HFS), 1,216 hours. FR Y–14M: Retail 1st lien mortgage, 153,000 hours; Retail home equity, 146,880 hours; and Retail credit card, 91,800 hours. FR Y–14 On-Going Automation for existing respondents: 9,120 hours.

Estimated average hours per response: FR Y–14A: Summary, 1022 hours; Macro scenario, 31 hours; CCR, 420 hours; Basel III/Dodd-Frank, 22 hours; and Regulatory capital, 20 hours. FR Y–14Q: Securities risk, 10 hours; Retail risk, 16 hours; PPNR, 713 hours; Wholesale corporate loans, 60 hours; Wholesale CRE loans, 60 hours; Trading risk, 1,926 hours; Basel III/Dodd-Frank, 22 hours; Regulatory capital, 40 hours; Operational risk, 28 hours, MSR Valuation, 24 hours; Supplemental, 8 hours; and Retail FVO/HFS, 16 hours. FR Y–14M: Retail 1st lien mortgage, 510 hours; Retail home equity, 510 hours; and Retail credit card, 510 hours. FR Y–14, On-going revisions for existing respondents, 480 hours.

Number of respondents: 30.

General description of report: The FR Y–14 series of reports are authorized by section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act), which requires the Federal Reserve to ensure that certain BHCs and nonbank financial companies supervised by the Federal Reserve are subject to enhanced risk based and leverage standards in order to mitigate risks to the financial stability of the United States (12 U.S.C. 5365). Additionally, section 5 of the BHC Act authorizes the Board to issue regulations and conduct information collections with regard to the supervision of BHCs (12 U.S.C. 1844).

[1] The Capital Plan rule applies to every top-tier large BHC. This asset threshold is consistent with the threshold established by section 165 of the Dodd-Frank Act relating to enhanced supervision and prudential standards for certain BHCs.

As these data are collected as part of the supervisory process, they are subject to confidential treatment under exemption 8 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(8)). In addition, commercial and financial information contained in these information collections may be exempt from disclosure under exemption 4 of FOIA (5 U.S.C. 552(b)(4)). Such exemptions would be made on a case-by-case basis.

Abstract: The data collected through the FR Y–14A/Q/M schedules provide the Federal Reserve with the additional information and perspective needed to help ensure that large BHCs have strong, firm-wide risk measurement and management processes supporting their internal assessments of capital adequacy and that their capital resources are sufficient given their business focus, activities, and resulting risk exposures. The annual Comprehensive Capital Analysis and Review (CCAR) exercise is also complemented by other Federal Reserve supervisory efforts aimed at enhancing the continued viability of large BHCs, including continuous monitoring of BHCs' planning and management of liquidity and funding resources and regular assessments of credit, market and operational risks, and associated risk management practices. Information gathered in this data collection is also used in the supervision and regulation of these financial institutions. In order to fully evaluate the data submissions, the Federal Reserve may conduct follow up discussions with or request responses to follow up questions from respondents, as needed.

The semi-annual FR Y–14A collects large BHCs' quantitative projections of balance sheet, income, losses, and capital across a range of macroeconomic scenarios and qualitative information on methodologies used to develop internal projections of capital across scenarios.[2] The quarterly FR Y–14Q collects granular data on BHCs' various asset classes and PPNR for the reporting period. The monthly FR Y–14M comprises three loan- and portfolio-level collections, and one detailed address matching collection to supplement two of the portfolio and loan-level collections. The FR Y–14Q and the FR Y–14M are used to support supervisory stress test models and for continuous monitoring efforts.

Current Actions: The Federal Reserve proposes revising several schedules of the FR Y–14A/Q/M reports, effective September 30, 2013. Most of the proposed changes would affect the FR Y–14A (semi-annual collection), particularly the Summary Schedule. The Summary Schedule and the Basel III schedule would be significantly revised in accordance with proposed capital rulemakings published for comment in August 2012.[3] Specifically, the Summary Schedule would be revised to (1) expand the current Capital worksheet into three worksheets for the three definitions of regulatory capital that could be applicable over the planning horizon (General (12 CFR part 225, Appendix A), Advanced Approaches (12 CFR part 225, Appendix G), and Revised), and (2) add two worksheets to collect risk-weighted assets as outlined in the general risk-based capital rules and standardized and advanced approaches (including proposed changes). In addition, the Federal Reserve proposes expanding the collection of PPNR information to better understand the details and dynamics of BHC revenues and expenses. The Federal Reserve also proposes other smaller revisions to the Balance sheet, Securities, OpRisk, Retail ASC 310–30, and Retail Repurchase worksheets. Other FR Y–14A schedules would be revised to (1) remove two worksheets and expand the collection of three worksheets on the Counterparty Schedule, and (2) add a worksheet to the Counterparty Schedule to collect counterparty data related to securities financing transactions and repurchase agreements and amend the scope of the respondents to this schedule. Finally, the FR–Y 14A/Q/M instructions and templates would be clarified by (1) adding, and expanding item definitions, (2) standardizing formatting, and (3) incorporating responses to industry questions to increase consistency with other regulatory reports, enhance reporting guidance, and improve clarity.

The FR Y–14Q (quarterly collection) would be revised to (1) alter the Basel III schedule to conform with the revisions made to the Y–14A Basel III Schedule (2) add items to, delete other items from, and modify several of the tables of the Trading Schedule, (3) add eight and modify five items across the Wholesale Corporate Loan, Wholesale CRE, Securities, and Retail Domestic and International Auto Schedules, (4) adjust the PPNR Schedule to conform with the changes made to the PPNR worksheets of the FR Y–14A, and (5) add one and remove one field on the Supplemental Schedule.

The FR Y–14M (monthly collection) would be revised to (1) modify one and expand one item on the Domestic First Lien Closed-end 1–4 Family Residential Loan Schedule, and (2) modify two items on the Domestic Home Equity Loan and Home Equity Line Schedule. In addition, the FR Y–14M would be amended for the June 30, 2013, report date to reflect the removal of the Reason for Default item from the Domestic Home Equity Loan and Home Equity Line schedule in response to comments received during the public comment period for the **Federal Register** notice issued December 20, 2012 (77 FR 75434).

Draft files illustrating the proposed revisions and clarifications to the schedules and instructions will be available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx.* A summary of the proposed revisions is provided below.

Proposed Revision to the FR Y–14A (Semi-Annual Collection)

The proposed revisions to the FR Y–14A consist of clarifying instructions, adding data items, deleting data items, and redefining existing data items. These proposed changes would (1) be responsive to industry comments, (2) provide additional information to greatly enhance the ability of the Federal Reserve to analyze the validity and integrity of firms' projections, (3) improve comparability across firms, (4) increase consistency within the FR Y–14A and between the FR Y–14A and FR Y–14Q/M, as well as the Consolidated Financial Statements for Bank Holding Companies (FR Y–9C;OMB No. 7100–0128), and (5) improve the scope of supervisory models. The Federal Reserve has conducted a thorough review of proposed changes and believes that the incremental burden of these changes is justified given the need for these data to properly conduct the Federal Reserve's supervisory responsibilities related to the stress testing and CCAR process.

Summary Schedule

The Federal Reserve proposes making a number of changes to the Summary Schedule (1) to better assess BHCs' calculation of risk weighted assets and certain other items detailed below, and (2) to refine certain items based on public feedback or to reduce burden on the public.

Risk Weighted Assets (RWA) and Regulatory Capital Related to Basel III. The Capital Plan Rule published by the

[2] BHCs that must re-submit their capital plan generally also must provide a revised FR Y–14A in connection with their resubmission.

[3] 77 FR 52792, published August 30, 2012, proposed to revise and replace the Federal Reserve's risk-based and leverage capital requirements to be consistent with the most recent Basel requirements.

Federal Reserve on December 1, 2011, requires BHCs to calculate the regulatory capital ratios reported in its capital plan according to the current Regulation Y requirements or ''any successor regulation.'' Three **Federal Register** notices [4] were published for public comment on July 7, 2012, that outlined the joint proposed rulemaking of the Federal Reserve, Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The proposed rules would revise and replace the agencies' risk-based and leverage capital requirements to be consistent with agreements reached by the Basel Committee on Banking Supervision in ''Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems'' (Basel III). The revisions include implementation of a new definition of regulatory capital, a new common equity tier 1 minimum capital requirement, a higher minimum tier 1 capital requirement, and, for banking organizations subject to the advanced approaches capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator measure. In addition, the proposed rules would amend the methodologies for determining risk-weighted assets and introduce disclosure requirements that would apply to top-tier banking organizations domiciled in the United States with $50 billion or more in total assets.

Due to the timing of this proposal, the annual CCAR and Dodd-Frank Act stress test (DFAST), and the proposed capital rulemaking, the Federal Reserve considered several options for the timing and scope of the proposal to collect information related to the proposed capital rulemaking. After careful consideration of the various options, the Federal Reserve determined that proposing the following revisions at this time would enable the Federal Reserve to collect these data while minimizing the burden to the industry.

Revisions to Capital worksheet. To accommodate potential changes in the capital regime, the Federal Reserve proposes replacing the current Capital worksheet with three worksheets (General, Advanced Approaches, and Revised Capital worksheets) that incorporate the items of the current Capital worksheet and add or revise items to collect projections depending on which capital regime is applicable to the BHC at any given point in the projection horizon. The General Capital worksheet would be required for all BHCs for all projection quarters until the revised definition of capital becomes effective for the BHC. The Advanced Approaches Capital worksheet would be required for BHCs that have received supervisory approval to exit the advanced approaches parallel run for all projection quarters until the revised definition of capital becomes effective for the BHC.

Proposed General Capital worksheet. On the General Capital worksheet, the Federal Reserve proposes adding 10 line items that collect detail on the additions and adjustments to tier 1 capital that result in the calculation of total risk-based capital under the general risk-based capital rules. The Federal Reserve also proposes revising the description of the item collecting data on taxes paid in previous years to refer to the current year, one year ago, and two years ago, instead of specific years.

Proposed Advanced Approaches Capital worksheet. On the Advanced Approaches Capital worksheet, the Federal Reserve proposes adding or revising six items in the tier 1 capital section to collect data consistent with the definition of tier 1 capital under the Advanced Approaches Rule (12 CFR part 225, Appendix G). The Federal Reserve also proposes adding 14 items to collect detail on the additions and adjustments to tier 1 capital that result in the calculation of total risk-based capital.

Proposed Revised Capital worksheet. On the Revised Capital worksheet, the Federal Reserve proposes revising 59 items under the header ''Regulatory Capital'' to collect data elements consistent with the Basel III definition of capital, as well as an associated ''Exceptions Bucket'' for information necessary to calculate certain deductions from capital. The Federal Reserve also proposes to remove footnotes which collected explanatory information on additions to (deductions from) tier 1 capital, and footnotes which provided the definition of ''tier 1 common'' per the Capital Plan Rule.

For all three Capital worksheets, the Federal Reserve proposes to add one item to confirm whether the filing institution is internationally active, which affects the calculation of deferred-tax assets. The Federal Reserve also proposes to add two items to ensure that BHCs have included Trust Preferred Securities within tier 1 capital in a manner consistent with the phase-out requirements of the Collins Amendment (section 171 of the Dodd-Frank Act). Finally, additional footnotes would be removed as they are now unnecessary given the additional information collected above.

Addition of RWA worksheets. To accommodate the eventual collection of RWA as outlined in the proposed rulemakings, the Federal Reserve proposes to add two RWA worksheets: RWA General and RWA Advanced. The items in the two worksheets correspond to the general risk-based capital rules and proposed standardized approach and the advanced approaches, including proposed changes. All BHCs would be required to submit projections on the General worksheet for all projection quarters, where applicable. In addition, BHCs subject to market risk capital requirements would be required to report items in the Market RWA section of the applicable RWA worksheet, using methodologies outlined in that rule.

BHCs would be required to complete the General RWA section for all projection quarters until the Standardized Approach becomes the applicable risk-based capital requirement. At that time, BHCs would be required to report items in the Standardized Approach section. The Memoranda for Derivative Contracts section would collect notional principal amounts by type of derivative contracts for all quarters.

BHCs that have exited parallel run prior to submission of the Summary Schedule would be required to submit projections on the Advanced Approaches RWA worksheet for all projection quarters. BHCs would be required to report items in the Advanced Approaches Credit Risk and Operational Risks section for all quarters. BHCs would be required to report items in the Revised Advanced Approaches section for all applicable quarters. BHCs completing the Advanced Approaches RWA worksheet would still be required to complete the General RWA worksheet in order to calculate minimum risk-based capital requirements per the advanced approaches rule.

Proposed General RWA worksheet. The proposed General RWA worksheet, which is composed of 69 items, would collect RWA as calculated under the general risk-based capital framework and the proposed standardized approach, when applicable.

Proposed Advanced RWA worksheet. The proposed Advanced RWA worksheet, which would be composed of 68 items, would collect RWA projections as calculated under the advanced approaches rule.

In addition to the above proposed changes to the Capital worksheet, the Federal Reserve proposes changes to

[4] 77 FR 52792, published August 30, 2012, proposed to revise and replace the Federal Reserve's risk-based and leverage capital requirements to be consistent with the most recent Basel requirements.

several other worksheets in the Summary Schedule as described below.

Current Balance Sheet worksheet. On the Balance sheet worksheet, the Federal Reserve proposes adding two items to the Securities section, three items to the Other Assets section, two items to the Deposits section, and two items to the Liabilities section to better align this schedule with other regulatory reports to provide better insight into historical behavior of respondents' assets and liabilities. In addition, the Federal Reserve proposes to revise the definition of one item, Accumulated other comprehensive income (AOCI), in the BHC equity capital section. This item would now be estimated by all BHCs using the conditions specified in the applicable macroeconomic scenario, rather than under the trading shock.

Securities Available-For-Sale (AFS) Market Shock worksheet. Consistent with the redefinition of AOCI in the balance sheet worksheet, the Federal Reserve proposes renaming this worksheet to Securities AFS OCI by Portfolio. This worksheet would collect quarterly projections of other comprehensive income (OCI) related to fair-value gains and losses on AFS securities that are based on the conditions specified in the applicable macroeconomic scenario.

PPNR Net Interest Income worksheet. On the PPNR Net Interest Income worksheet, the Federal Reserve proposes redefining the information collected in this worksheet to include all assets, including nonaccrual loans which were previously reported in the PPNR metrics worksheet. BHCs would be expected to include in the supporting documentation a breakout of the major categories of nonaccrual loans relevant to their own institution. The Federal Reserve proposes expanding detail on BHC holdings of securities to better understand the underlying dynamics of securities balances and interest income by breaking out data items for Treasury and Agency debt, residential mortgage-backed securities issued by government agencies, and all other securities. Similarly, the Federal Reserve proposes redefining the information collected in this worksheet to include all liability balances and adding one item to capture other liabilities that fall outside the existing liability types reported. To reduce burden on the public, the existing breakout of commercial and industrial loans into small business loans and other loans would be collapsed into one item.

PPNR Metrics worksheet. Where applicable, the aforementioned changes to the PPNR Net Interest Income worksheet would also be reflected in the PPNR Metrics worksheet. In addition, the Federal Reserve would modify one, delete three, and add seven items to better understand how PPNR projections compare to historical trends. Based on feedback from the public, the Federal Reserve proposes amending two items on this worksheet. Finally, the Federal Reserve proposes adding four footnote items to allow the Federal Reserve to better assess BHC PPNR projections.

Outside of the worksheets named above, the Federal Reserve is proposing minor changes to the Balance Sheet, Retail Balance & Loss Projections, Securities OTTI Methodology, Securities OTTI by Portfolio, Securities AFS Market Shock, Securities Market Value Sources, OpRisk, and PPNR Projections worksheets.

Basel III Schedule

The Federal Reserve proposes adding a line item to the Capital Composition worksheet to capture deductions related to insurance underwriting subsidiaries, which will enable more precise calculations of regulatory capital. The Federal Reserve also proposes revising the General and Advanced Approaches RWA worksheets to align with certain changes made to the Summary Schedule. Specifically, the Federal Reserve proposes adding to the General RWA worksheet a ''RWA per Standardized Approach'' section, which would collect credit RWA using methodologies under the revised standardized approach.

Counterparty Schedule

The Federal Reserve proposes eliminating the aggregate worksheets EE Profile by Ratings and Credit Quality by Rating from the Counterparty Schedule and expanding the collection of the counterparty specific worksheets CP CVA by Top 200 CVA, EE Profile by CP, and Credit Quality by CP to capture the top counterparties that account for 95% of credit valuation adjustment (CVA). This expansion in scope is driven by the need to close the sometimes significant gap between the CVA of the top 200 counterparties and the BHC's total CVA and to capture exposures to counterparties that are significantly large in other dimensions, but which are currently excluded from the top 200 by CVA. Additionally, the Federal Reserve proposes adding an additional worksheet that collects the top 20 counterparties by Securities Financing Transactions and Repo exposure to account for counterparty exposures other than derivatives. Finally, the Federal Reserve proposes adding columns on the worksheets of the template as appropriate to collect stressed counterparty data based on the Adverse and Severely Adverse scenarios as part of the stress testing process.

In addition, the Federal Reserve proposes amending the scope of the respondents to the FR Y–14A CCR schedule and Trading and CCR worksheets of the FR Y–14A Summary schedule to include any company that the Board or the Director of the Division of Banking Supervision and Regulation, acting under delegated authority, may require to complete these schedules under 12 CFR 252.144(b)(2).

Proposed Revision to the FR Y–14Q (Quarterly Collection)

The proposed revisions to the FR Y–14Q consist of clarifying instructions, adding data items, deleting data items, redefining existing data items, and structurally adjusting the reporting templates. These proposed changes would be responsive to industry comments and provide additional information to greatly enhance the integrity and scope of supervisory models. The Federal Reserve has conducted a thorough review of proposed changes and believes that the proposed item additions and modifications to the FR Y–14Q request information currently collected by respondents in their regular course of business. A summary of the proposed changes by schedule is provided below.

Trading Schedule

The proposed changes would (1) provide additional granularity from firms' trading portfolios to capture behavior that greatly varies from the current aggregates, (2) bring asset movement collections in line with the stress scenarios from the CCAR and DFAST of 2013, (3) be responsive to industry feedback, and (4) remove information that is not currently applicable to many respondents. The Federal Reserve has conducted numerous industry calls regarding these proposed changes and has determined them to be low burden to respondents on an aggregate basis.

The Federal Reserve proposes (1) expanding the range of asset price movements for the tables on the Agencies and Rates DV01 worksheets; (2) modifying the reporting units of the Rates Vega worksheet; (3) adding seven categories of assets across two tables on the Agencies and Securitized Products worksheets; (4) adding seven columns that collect profit/loss (P/L) figures for a given asset to the Corporate Credit—Advanced; (5) removing six indices and adding five emerging market specific indices to three tables on the Corporate

Credit—EM worksheet; (6) modifying the aggregation level of tables on the IDR—Corporate Credit worksheet; (7) deleting the Private Equity—V2 and Other Fair Value Assets—V2 worksheets of the reporting template; (8) deleting items from other worksheets; and (9) adding option to report commodity P/L figures in relative or absolute terms.

Wholesale Corporate Loan Schedule

The Federal Reserve proposes to add one item and redefine two items on the Wholesale Corporate Loan Schedule. Specifically, the Federal Reserve would add one item to identify borrowers that are special purpose entities, which would enhance the ability of the Federal Reserve to identify loans with specific characteristics that vary greatly from the aggregate. Also, the Federal Reserve would change the items Earnings Before Interest, Taxes, Depreciation, and Amortization (EBITDA) and Adjusted EBITDA to be Operating Income and Depreciation and Amortization, to improve the clarity of financial information.

Wholesale Commercial Real Estate (CRE) Schedule

The Federal Reserve proposes adding one item to the Wholesale CRE Schedule to identify loans that have been subject to a troubled debt restructuring. The proposed changes would enhance the ability of the Federal Reserve to identify loans which have been modified per Accounting Standards Codification (ASC) 310–40. Additionally, the Federal Reserve proposes to alter the scope of the items Anchor Tenant and Loan Purpose to more accurately capture the information related to these items.

Securities Schedule

The Federal Reserve proposes modifying one security type and the collection of one aggregate item across security types to the Securities Schedule. Specifically, the Federal Reserve proposes modifying the security type Other Consumer Asset Backed Securities (ABS) (excluding HEL ABS) to be Other ABS (excluding HEL ABS) in the tables on the Securities 1 and Securities 2 worksheets of the Securities Schedule. Also, the Federal Reserve proposes adding Book Yield and Purchase Date as columns to the Securities 1 worksheet and adding a column to collect realized gains/losses from sales of securities in the reporting quarter on the Securities 2 worksheet. The proposed changes would enhance the ability of the Federal Reserve to model the behavior of the proposed security type, which varies greatly from the aggregate and allow the Federal Reserve to more accurately track the changes in the portfolios of respondents.

Retail Domestic and International Auto Schedules

The Federal Reserve proposes adding four items to both the Retail US Auto Loan Schedule and the Retail International Auto Loan Schedule. Specifically, the Federal Reserve proposes adding the Basel II default metrics: Probability of Default, Exposure at Default, Loss Given Default, and Expected Loss Given Default. The proposed changes would facilitate the review of Basel II implementation at certain BHCs.

PPNR Schedule

The Federal Reserve proposes revising the PPNR schedule to conform with the revisions made to the PPNR worksheets of the FR Y–14A Summary Schedule as described above.

Basel III Schedule

The Federal Reserve proposes revising the Y–14Q Basel III schedule to conform with the revisions made to the FR Y–14A Basel III Schedule as described above.

Supplemental Schedule

The Federal Reserve proposes adding an additional field to the Supplemental Schedule to capture the carrying value of assets held on the balance sheet for certain items. This additional field would apply to 23 of the 30 asset categories on the schedule for which these data are unavailable from other regulatory reports. These data would allow the Federal Reserve to better understand changes in firms' balance sheet composition each quarter. Additionally, to improve consistency across schedules, the Federal Reserve proposes removing the item Graded Loans for Purchasing or Carrying Securities since such loans are not included in the FR Y–14Q Wholesale Corporate Loan Schedule.

Proposed Revision to the FR Y–14M (Monthly Collection)

The proposed revisions to the FR Y–14M consist of clarifying instructions and modifying existing data items. These proposed changes would be responsive to industry comments and provide additional clarity to information already being collected. The Federal Reserve has conducted a thorough review of proposed changes and believes that the incremental burden is justified by the need for these data to properly conduct the Federal Reserve's supervisory responsibilities related to the stress testing process. A summary of the proposed changes by Schedule is provided below.

Domestic First Lien Closed-End 1–4 Family Residential Loan Schedule

The Federal Reserve proposes modifying four data items on the Domestic First Lien Closed-end 1–4 Family Residential Loan Schedule. Specifically, the Federal Reserve would expand the options for the Product Type—Current and Product Type—Origination items to include options for a 1 year Adjustable Rate Mortgage (ARM 1) and a 15-year Adjustable Rate Mortgage (ARM 15). This proposed change would be responsive to an industry comment received regarding the changes to the FR Y–14M that were effective March 31, 2013. Additionally, in an effort to reduce reporting burden and retain data used by other Agencies, the Federal Reserve would change the reporting requirement for the Loss/Write-Down Amount item on both the portfolio-level and loan-level collections from mandatory for all respondents to mandatory for firms regulated by the OCC and optional for all others.

Domestic Home Equity Loan and Home Equity Line Schedule

The Federal Reserve proposes modifying two data items on the Domestic Home Equity Loan and Home Equity Line Schedule. Specifically, in an effort to reduce reporting burden and retain data used by other Agencies, the Federal Reserve would change the reporting requirement for the Loss/Write-Down Amount item on both the portfolio-level and loan-level collections from mandatory for all respondents to mandatory for firms regulated by the OCC and optional for all others.

Board of Governors of the Federal Reserve System, June 20, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–15142 Filed 6–24–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2013–14635) published on page 37222 of the issue for Thursday, June 20, 2013.

Under the Federal Reserve Bank of Atlanta heading, the entry for Overton Financial Services, Inc., Livingston, Tennessee, is revised to read as follows:

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *The Amanda Marie Rios 2012 Irrevocable Trust, Paul Roberts, Trustee; The Amy Beth Windle Oakley 2012 Irrevocable Trust, Paul Roberts, Trustee; The John David Copeland 2012 Irrevocable Trust, Paul Roberts, Trustee; The Mark Edward Copeland 2012 Irrevocable Trust, Paul Roberts, Trustee; and The Thomas Alfred Windle 2012 Irrevocable Trust, Paul Roberts, Trustee, all of Livingston, Tennessee; to join the currently approved control group of The Jack Windle Irrevocable Life Insurance Trust, Joyce D. Windle, John D. Copeland, and Thomas A. Windle, as Trustees; The Credit Shelter Trust under the Last Will and Testament of Jack Allen Windle, Joyce D. Windle, John D. Copeland, and Thomas A. Windle, as Trustees, and The Tennessee Qualified Terminable Interest Trust, Joyce D. Windle, John D. Copeland, and Thomas A. Windle, as Trustees,* all of Livingston, Tennessee, for Overton Financial Services, Inc., and its subsidiary, Union Bank & Trust Company, both in Livingston, Tennessee. Collectively, the new control group controls 100 percent of the voting shares of Overton Financial Services, Inc., and Union Bank & Trust Company.

Comments on this application must be received by July 5, 2013.

Board of Governors of the Federal Reserve System, June 20, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–15120 Filed 6–24–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 19, 2013.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Town Center Bancorp, Inc.,* New Lenox, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Town Center Bank, Frankfort, Illinois.

Board of Governors of the Federal Reserve System, June 20, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–15121 Filed 6–24–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The FTC intends to ask the Office of Management and Budget (''OMB'') to extend through November 30, 2016, the current Paperwork Reduction Act (''PRA'') clearance for the FTC's enforcement of the information collection requirements in its Prescreen Opt-Out Notice Rule (''Prescreen Opt-Out Rule'' or ''FTC Rule''), which applies to certain motor vehicle dealers, and its shared enforcement with the Consumer Financial Protection Bureau (''CFPB'') of the provisions (subpart F) of the CFPB's Regulation V regarding other entities (''CFPB Rule''). That clearance expires on November 30, 2013.

DATES: Comments must be filed by August 26, 2013.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Comments in electronic form should be submitted by using the following weblink: *https://public.commentworks.com/ftc/prescreenoptoutpra* (and following the instructions on the web-based form). Comments filed in paper form should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW, Washington, DC 20580, in the manner detailed in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Karen Jagielski, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., NJ–8100, Washington, DC 20580, (202) 326–2509.

SUPPLEMENTARY INFORMATION: On July 21, 2010, President Obama signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'').[1] The Dodd-Frank Act substantially changed the federal legal framework for financial services providers. Among the changes, the Dodd-Frank Act transferred to the CFPB most of the FTC's rulemaking authority for the prescreen opt-out provisions of the Fair Credit Reporting Act (''FCRA''),[2] on July 21, 2011.[3] For certain other portions of the FCRA, the FTC retains its full rulemaking authority.[4]

The FTC retains rulemaking authority for its Prescreen Opt-Out Rule, 16 CFR Part 642, solely for motor vehicle dealers described in section 1029(a) of the Dodd-Frank Act that are predominantly engaged in the sale and servicing of motor vehicles, the leasing

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

[2] 15 U.S.C. 1681 *et seq.*

[3] Dodd-Frank Act, at section 1061. This date was the ''designated transfer date'' established by the Treasury Department under the Dodd-Frank Act. *See* Dep't of the Treasury, *Bureau of Consumer Financial Protection; Designated Transfer Date,* 75 FR 57252, 57253 (Sept. 20, 2010); *see also* Dodd-Frank Act, at section 1062.

[4] The Dodd-Frank Act does not transfer to the CFPB rulemaking authority for FCRA sections 615(e) (''Red Flag Guidelines and Regulations Required'') and 628 (''Disposal of Records''). *See* 15 U.S.C. 1681s(e); Public Law 111–203, section 1088(a)(10)(E). Accordingly, the Commission retains full rulemaking authority for its ''Identity Theft Rules,'' 16 CFR Part 681, and its rules governing ''Disposal of Consumer Report Information and Records,'' 16 CFR Part 682. *See* 15 U.S.C. 1681m, 1681w.

and servicing of motor vehicles, or both.[5]

On December 21, 2011, the CFPB issued its interim final FCRA rule, including the prescreen opt-out provisions (subpart F) of CFPB's Regulation V.[6] Contemporaneous with that issuance, the CFPB and FTC had each submitted to OMB, and received its approval for, the agencies' respective burden estimates reflecting their overlapping enforcement jurisdiction, with the FTC supplementing its estimates for the enforcement authority exclusive to it regarding the class of motor vehicle dealers noted above. The discussion in the Burden Statement below, following preliminary background information, continues that analytical framework, as appropriately updated or otherwise refined for instant purposes.

Background

Section 615(d) of the Fair Credit Reporting Act (''FCRA''), 15 U.S.C. 1681m(d)(1), requires that any person who uses a consumer report in order to make an unsolicited firm offer of credit or insurance to the consumer, shall provide with each written solicitation a clear and conspicuous statement that:

(A) information contained in the consumer's consumer report was used in connection with the transaction; (B) the consumer received the offer of credit or insurance because the consumer satisfied the criteria for credit worthiness or insurability under which the consumer was selected for the offer; (C) if applicable, the credit or insurance may not be extended if, after the consumer responds to the offer, the consumer does not meet the criteria used to select the consumer for the offer or any applicable criteria bearing on credit worthiness or insurability or does not furnish any required collateral; (D) the consumer has a right to prohibit information contained in the consumer's file with any consumer reporting agency from being used in connection with any credit or insurance transaction that is not initiated by the consumer; and (E) the consumer may exercise the right referred to in subparagraph (D) by notifying a notification system established under section 604(e) [of the FCRA].

Section 615(d)(1) of the FCRA [15 U.S.C. 1681m(d)(1)].

Section 615(d) of the FCRA requires further that the disclosure statement ''be presented in such format and in such type size and manner as to be simple and easy to understand, as established by the [CFPB], by rule, in consultation with the [FTC], Federal banking agencies and the National Credit Union Administration.''

Section 642.3 of the FTC Rule[7] and section 1022.54[8] of the CFPB Rule implement this requirement by establishing a ''layered'' notice approach that requires a short, simple, and easy-to-understand statement of consumers' opt-out rights on the first page of the prescreened solicitation, along with a longer statement containing additional details elsewhere in the solicitation. Specifically, the Rule required that a short notice be placed on the front side of the first page of the principal promotional document in the solicitation, or, if provided electronically, on the same page and in close proximity to the principal marketing message. The Rule specifies that the type size be larger than the type size of the principal text on the same page, but in no event smaller than 12-point type, or if provided by electronic means, then reasonable steps shall be taken to ensure that the type size is larger than the type size of the principal text on the same page. The Rule further provides that the long notice, that appears elsewhere in the solicitation, be in a type size that is no smaller than the type size of the principal text on the same page, but in no event smaller than 8-point type. The long notice shall begin with a heading in capital letters and underlined, and identifying the long notice as the ''PRESCREEN & OPT–OUT NOTICE'' in a type style that is distinct from the principal type style used on the same page and be set apart from other text on the page. The Rule also includes model notices in English and Spanish.

Burden Statement

Under the PRA, 44 U.S.C. 3501–3521, Federal agencies must get OMB approval for each collection of information they conduct or sponsor. ''Collection of information'' includes agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). The FTC is seeking clearance for its assumed share of the estimated PRA burden regarding the disclosure requirements under the FTC and CFPB Rules.

The currently cleared FTC apportionment of its share of PRA burden[9] is the following:

Total Number of Respondents: 487
Total Burden Hours: 974
Total Labor Costs: $243,750
Total Capital/Non-Labor Costs: $0

These figures were determined as follows:

A. Number of Respondents

FTC staff estimates that between 500 and 750 entities make prescreened solicitations. Staff conservatively assumed the high-end of this range for further apportioning. From the total of 750 respondents, FTC staff assumed a 30% ''carve-out''[10] to the FTC for the above-noted motor vehicle dealers. This resulted in an estimate of 225 motor vehicle dealers subject to the FTC's jurisdiction. After deducting the latter figure from the total of 750 respondents, that left 525 respondents to divide 50:50 between the agencies. With rounding, the FTC apportioned 262 of those respondents to its burden estimates; adding to that the estimated total of 225 motor vehicle dealers resulted in 487 respondents for the FTC.

B. FTC Share of Burden Hours: 974 hours

Staff assumed that respondents will each spend approximately 2 hours to monitor compliance with the Rule. Thus, 487 respondents for the FTC multiplied by the two hour estimate per respondent resulted in 974 burden hours apportioned to the FTC.

C. FTC Share of Labor Costs: $243,750

Staff assumed that in-house legal counsel for respondents would handle most of the compliance review, and at an estimated average hourly wage of $250 per hour.

D. Capital/Non-Labor Costs: $0

Assumption: Capital and other non-labor costs should be minimal, at most, since the Rule has been in effect several years, with covered entities now equipped to provide the required notice.

Based on staff's review of industry data and its experience in this area, we have no information to suggest that these figures are not still valid.

[5] *See* Dodd-Frank Act, at section 1029 (a), (c).

[6] 76 FR 79308 (Dec. 21, 2011). Subpart F of the interim final rule became effective on December 30, 2011, and is codified at 12 CFR 1022.54.

[7] 16 CFR 642.3.

[8] 12 CFR 1022.54.

[9] OMB Control No. 3084–0132.

[10] For purposes of estimating its motor vehicle dealer furnisher carve-out, the FTC has assumed that 30% of the respondents constitute the number of motor vehicle dealers over which the FTC retains exclusive jurisdiction under the Dodd-Frank Act. To derive this 30% estimate, FTC staff divided an estimated number of car dealers—55,417 (based on industry data for the number of franchise/new car and independent/used car dealers) by 199,500 (Commission staff's PRA estimate of the number of entities that extend credit to consumers subject to FTC jurisdiction under the FCRA, pre-Dodd-Frank, for the Risk-Based Pricing regulations, as detailed at 75 FR 2724, 2748 n.18 (Jan. 15, 2010)). This came out to 28%. Staff increased this amount to 30% to account for other motor vehicle dealer types (motorbikes, boats, other recreational) also covered within the definition of ''motor vehicle dealer'' under section 1029(a) of the Dodd-Frank Act.

Request for Comment

Interested parties are invited to submit written comments. Comments should refer to ''Prescreen Opt-Out Disclosure Rule: FTC File No. P075417'' to facilitate the organization of comments. Please note that your comment—including your name and your state—will be placed on the public record of this proceeding, including on the publicly accessible FTC Web site, at *http://www.ftc.gov/os/public comments.shtm.*

Because comments will be made public, they should not include any sensitive personal information, such as any individual'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. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential'' as provided in Section 6(f) of the Federal Trade Commission Act (''FTC Act''), 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing matter for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c).[11]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted using the following weblink *https://public.commentworks.com/ftc/prescreenoptoutpra* (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink *https://public.commentworks.com/ftc/prescreenoptoutpra.* If this Notice appears at *www.regulations.gov/search/index.jsp*, you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to it.

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, whether filed in paper or electronic form. Comments received will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.shtm.*

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the regulations noted herein.

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the disclosure requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) how to improve the quality, utility, and clarity of the disclosure requirements; and (4) how to minimize the burden of providing the required information to consumers. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before August 26, 2013.

John F. Daly,

Acting General Counsel.

[FR Doc. 2013–15089 Filed 6–24–13; 8:45 am]

BILLING CODE 6750–01–P

[11] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See FTC Rule 4.9(c), 16 CFR 4.9(c).

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 August 31, 2016, the current Paperwork Reduction Act (''PRA'') clearance for the FTC's enforcement of the information collection requirements in its in its Telemarketing Sales Rule (''TSR''). That clearance expires on August 31, 2013.

DATES: Comments must be filed by July 25, 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 ''TSR PRA Comment, FTC File No. P094400'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/tsrrulepra2* 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: Craig Tregillus, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room H–238, 600 Pennsylvania Ave. NW., Washington, DC 20580, (202) 326–2970.

SUPPLEMENTARY INFORMATION: On April 1, 2013, the Commission sought comment on the information collection requirements associated with the Telemarketing Sales Rule. 78 FR 19483 (Apr. 1, 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 19483.

Title: Telemarketing Sales Rule, 16 CFR Part 310.

OMB Control Number: 3084–0097.

Type of Review: Extension of currently approved collection.

Estimated Annual Burden:

Hours: 1,320,119 hours.[1]

[1] This is a 135 hour increase from the 1,319,984 hours burden estimate in the April 1, 2013 **Federal Register** Notice, attributable to an inadvertent error

Continued

Labor Costs: $16,338,449.[2]

Non-Labor Costs: $5,101,732.[3]

Pursuant to the OMB regulations, 5 CFR Part 1320, that implement the PRA, 44 U.S.C. 3501 et seq., the FTC is providing a second opportunity for the public to comment while seeking OMB approval to renew the pre-existing clearance for the Rule.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before July 25, 2013. Write ''TSR PRA Comment, FTC File No. P094400'' 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), 16CFR 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). 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/tsrrulepra2*, 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 ''TSR PRA Comment, FTC File No. P094400'' 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 25, 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.

John F. Daly,

Acting General Counsel.

[FR Doc. 2013–15088 Filed 6–24–13; 8:45 am]

BILLING CODE 6750–01–P

previously in adding the Registry access hours burden.

[2] This is an increase from the labor cost estimate in the April 1, 2013 **Federal Register** Notice, mainly attributable to an intervening annual release from the Bureau of Labor Statistics. Within it, the mean hourly wage for ''Computer Support Specialist'' rose from the previously shown amount of $25 per hour to $25.59 (× 7,500 recordkeeping hours =$191,925); for ''Office Clerks, General, from $14 to $14.07 (× 8,110 recordkeeping hours =$114,108); and for ''Telemarketers'' from $12 to $12.29 (× 1,304,374 disclosure hours = $16,030,756), resulting in the new total of $16,336,789. *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 2012'').

[3] This is an increase of $486 from the $5,101,246 non-labor costs estimate in the April 1, 2013 **Federal Register** Notice resulting from the 135 hour increase in the hours burden. See *supra* note 1.

GENERAL SERVICES ADMINISTRATION

[Notice—MK–2013–05; Docket No. 2013–0002; Sequence 20]

The Presidential Commission on Election Administration (PCEA); Upcoming Public Advisory Meeting; Correction

AGENCY: Office of Government-wide Policy, U.S. General Services Administration (GSA).

ACTION: Meeting notice; correction.

SUMMARY: The Presidential Commission on Election Administration (PCEA), is issuing a correction to the Public Advisory Meeting notice, which was published in the **Federal Register** at 78 FR 35272, June 12, 2013.

DATES: This rule is effective June 25, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Nejbauer, Designated Federal Officer, President's Commission on Election Administration, GSA, 1776 G Street NW., Washington, DC 20006, email *mark.nejbauer@supportthevoter.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In rule FR Doc. 2013–13959 published in the **Federal Register** at 78 FR 35272, June 12, 2013, make the following correction:

On page 35272, in the first column, under Supplementary Information, *Meeting Access,* remove the address location ''David W. Dyer U.S. Courthouse, 300 Northeast 1st Avenue, Miami, Florida 33132.'' and add ''Bank United Center, University of Miami, 1245 Dauer Drive, Coral Gables, FL 33146'' in its place.

Dated: June 19, 2013.

Anne E. Rung,

Acting Associate Administrator (M), Office of Government-wide Policy, General Services Administration.

[FR Doc. 2013–15104 Filed 6–24–13; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3285–PN]

Medicare and Medicaid Programs; Application From the American Osteopathic Association/Health Facilities Accreditation Program for Continued CMS-Approval of Its Critical Access Hospital Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Proposed notice.

SUMMARY: This proposed notice acknowledges the receipt of an application from the American Osteopathic Association/Health Facilities Accreditation Program (AOA/HFAP) for continued recognition as a national accrediting organization for critical access hospitals (CAHs) that wish to participate in the Medicare or Medicaid programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on July 25, 2013.

ADDRESSES: In commenting, please refer to file code CMS–3285–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways:

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.regulations.gov*. Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3285–PN, P.O. Box 8016, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3285–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments to the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: James Cowher, (410) 786–1948; Cindy Melanson, (410) 786–0310; or Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov*. Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in a critical access hospital (CAH) provided certain requirements are met by the CAH. Section 1820(e) of the Social Security Act (the Act) gives the Secretary authority to establish distinct criteria for a CAH. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 485, subpart F, specify the conditions that a CAH must meet to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for CAHs.

Generally, to enter into an agreement, a CAH must first be certified by a state survey agency as complying with the conditions or requirements set forth in part 485 of our regulations. Thereafter, the CAH is subject to regular surveys by a state survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by state agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for approval of its accreditation program under part 488, subpart A, must provide us with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval and reapproval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require an accrediting organization to reapply for continued approval of its accreditation program every 6 years or as we determine. The AOA/HFAP Accreditation Program's current term of approval for its CAH

accreditation program expires December 27, 2013.

II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.8(a) require that our findings concerning review and approval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide us with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of AOA/HFAP's request for continued CMS approval of its CAH accreditation program. This notice also solicits public comment on whether AOA/HFAP's requirements meet or exceed the Medicare conditions of participation for CAHs.

III. Evaluation of Deeming Authority Request

AOA/HFAP submitted all the necessary materials to enable us to make a determination concerning its request for continued approval of its CAH accreditation program. This application was determined to be complete on May 31, 2013. Under section 1865(a)(2) of the Act and our regulations at § 488.8 (Federal review of accrediting organizations), our review and evaluation of AOA/HFAP will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of AOA/HFAP's standards for CAHs as compared with CMS' CAH conditions of participation.
- AOA/HFAP's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

++ The comparability of AOA/HFAP's processes to those of state agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ AOA/HFAP's processes and procedures for monitoring a CAH found out of compliance with AOA/HFAP's program requirements. These monitoring procedures are used only when AOA/HFAP identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the state survey agency monitors corrections as specified at § 488.7(d).

++ AOA/HFAP's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ AOA/HFAP's capacity to provide us with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of AOA/HFAP's staff and other resources, and its financial viability.

++ AOA/HFAP's capacity to adequately fund required surveys.

++ AOA/HFAP's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ AOA/HFAP's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans).

IV. 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. 35).

V. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

Authority: (Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 20, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–15175 Filed 6–24–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0651]

Authorization of Emergency Use of an In Vitro Diagnostic for Detection of the Novel Avian Influenza A(H7N9) Virus; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of an Emergency Use Authorization (EUA) (the Authorization) for an in vitro diagnostic device for detection of the novel avian influenza A(H7N9) virus. FDA is issuing this Authorization under the Federal Food, Drug, and Cosmetic (FD&C) Act, as requested by the Centers for Disease Control and Prevention (CDC). The Authorization contains, among other things, conditions on the emergency use of the authorized in vitro diagnostic device. The Authorization follows the determination by the Secretary of Health and Human Services (HHS) that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and security of U.S. citizens living abroad that involves the novel avian influenza A(H7N9) virus. On the basis of such determination, the Secretary also declared that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection of the novel avian influenza A(H7N9) virus subject to the terms of any authorization issued under the FD&C Act. The Authorization, which includes an explanation of the reasons for issuance, is reprinted in this document.

DATES: The Authorization is effective as of April 22, 2013.

ADDRESSES: Submit written requests for single copies of the EUA to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4121, Silver Spring, MD 20993–

0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the Authorization may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorization.

FOR FURTHER INFORMATION CONTACT: Luciana Borio, Assistant Commissioner for Counterterrorism Policy, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4118, Silver Spring, MD 20993–0002, 301–796–8510 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3), as amended by the Project BioShield Act of 2004 (Pub. L. 108–276) and the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help assure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by biological, chemical, nuclear, or radiological agents when there are no adequate, approved, and available alternatives.

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of the following grounds: (1) A determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents; (2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; (3) a determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; [1] or (4) the identification of a material threat by the Secretary of Homeland Security pursuant to section 319F–2 of the Public Health Service (PHS) Act (42 U.S.C. 247d–6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish, in the **Federal Register**, a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products and uses that are not approved, cleared, or licensed under sections 505, 510(k), or 515 of the FD&C Act (21 U.S.C. 355, 360(k), and 360e) or section 351 of the PHS Act (42 U.S.C. 262). FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of CDC (to the extent feasible and appropriate given the applicable circumstances), FDA [2] concludes: (1) That an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or condition; (2) that, based on the totality of scientific evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that: (A) The product may be effective in diagnosing, treating, or preventing—(i) such disease or condition; or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; and (4) that such other criteria as the Secretary of HHS may by regulation prescribe are satisfied.

No other criteria of issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act. Because the statute is self-executing, regulations or guidance are not required for FDA to implement the EUA authority.

II. EUA Request for an In Vitro Diagnostic for Detection of the Novel Avian Influenza A(H7N9) Virus

On April 19, 2013, under section 564(b)(1)(C) of the FD&C Act (21 U.S.C. 360bbb–3(b)(1)(C)), the Secretary of HHS determined that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and security of U.S. citizens living abroad that involves the novel avian influenza A(H7N9) virus. Also on April 19, 2013, under section 564(b)(1) of the FD&C Act, and on the basis of such determination, the Secretary of HHS declared that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection of the novel avian influenza A(H7N9) virus, subject to the terms of any authorization issued under section 564 of the FD&C Act. The Secretary also specified that this declaration is a declaration of an emergency with respect to in vitro diagnostics as defined under the Public Readiness and Emergency Preparedness (PREP) Act Declaration for Pandemic Influenza Diagnostics, Personal Respiratory Protection Devices, and Respiratory Support Devices signed by then Secretary Michael Leavitt on December 17, 2008 (73 FR 78362). Notice of the determination and the declaration of the Secretary were published in the **Federal**

[1] As amended by the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), the Secretary of HHS may make a determination of a public health emergency, or a significant potential for a public health emergency, under section 564 of the FD&C Act. The Secretary is no longer required to make a determination of a public health emergency under section 319 of the PHS Act, 42 U.S.C. 247d, to support a determination made under section 564 of the FD&C Act.

[2] The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

Register on April 30, 2013 (78 FR 25273). On April 19, 2013, CDC requested, and on April 22, 2013, FDA issued an EUA for the CDC Human Influenza Virus Real-Time RT–PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay subject to the terms of this authorization.

III. Electronic Access

An electronic version of this document and the full text of the Authorization are available on the Internet at *http://www.regulations.gov.*

IV. The Authorization

Having concluded that the criteria for issuance of the Authorization under section 564(c) of the FD&C Act are met, FDA has authorized the emergency use of an in vitro diagnostic device for detection of the novel avian influenza A(H7N9) virus subject to the terms of the Authorization. The Authorization in its entirety (not including the authorized versions of the fact sheets and other written materials) follows and provides an explanation of the reasons for its issuance, as required by section 564(h)(1) of the FD&C Act:

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

April 22, 2013

Thomas R. Frieden, MD, MPH
Director
Centers for Disease Control and Prevention
1600 Clifton Rd, MS D-14
Atlanta, GA 30333

Dear Dr. Frieden:

This letter is in response to your request that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for emergency use of the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay for the presumptive detection of novel influenza A(H7N9) virus in conjunction with the FDA cleared CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel in real-time RT-PCR (rRT-PCR) assays in patients with signs and symptoms of respiratory infection, pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. § 360bbb-3), by public health and other qualified laboratories.

On April 19, 2013, pursuant to section 564(b)(1)(C) of the Act (21 U.S.C. § 360bbb-3(b)(1)(C)), the Secretary of the Department of Health and Human Services (HHS) determined that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such an agent or agents - in this case, novel influenza A(H7N9) virus.[1] Pursuant to section 564(b)(1) of the Act (21 U.S.C. § 360bbb-3(b)(1)), and on the basis of such determination, the Secretary of HHS then declared that circumstances exist justifying the authorization of the emergency use of *in vitro* diagnostics for the detection of A(H7N9) influenza virus, subject to the terms of any authorization issued under 21 U.S.C. § 360bbb-3(a).[2]

Having concluded that the criteria for issuance of this authorization under section 564(c) of the Act (21 U.S.C. § 360bbb-3(c)) are met, I am authorizing the emergency use of the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay (as described in the scope section of this letter (Section II)) for the presumptive detection of A(H7N9) influenza virus in patients with signs and symptoms of respiratory infection, subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

[1] As amended by the Pandemic and All-Hazards Preparedness Reauthorization Act, Pub. L. No. 113-5, under section 564(b)(1)(C) of the Act the Secretary may make a determination of a public health emergency, or of a significant potential for a public health emergency.

[2] Memorandum, Determination of a Significant Potential for a Public Health Emergency and Declaration that Circumstances Exist Justifying an Authorization Pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act (April 19, 2013).

I have concluded that the emergency use of the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay for the presumptive detection of A(H7N9) influenza virus in patients with signs and symptoms of respiratory infection meets the criteria for issuance of an authorization under section 564(c) of the Act, because I have concluded that:

1. The A(H7N9) influenza virus can cause influenza, a serious or life threatening disease or condition to humans infected by this virus;

2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay may be effective in diagnosing A(H7N9) influenza virus, and that the known and potential benefits of the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay, when used for diagnosing A(H7N9) influenza virus infection, outweigh the known and potential risks of such product; and

3. There is no adequate, approved, and available alternative to the emergency use of the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay for diagnosing A(H7N9) influenza virus.[3]

II. Scope of Authorization

I have concluded, pursuant to section 564(d)(1) of the Act, that the scope of this authorization is limited to the use of the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay for the presumptive detection of A(H7N9) influenza virus in patients with signs and symptoms of respiratory infection.

The Authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay:

The CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay is a real-time reverse transcriptase PCR (rRT-PCR) for the *in vitro* qualitative detection and differentiation of A(H7N9) influenza viral RNA in upper respiratory tract specimens, such as nasopharyngeal swabs (NPS), nasal swabs (NS), throat swabs (TS), nasal aspirates (NA), nasal washes (NW), and dual nasopharyngeal/throat swabs (NPS/TS) and lower respiratory tract specimens (including bronchoalveolar lavage (BAL), bronchial wash (BW), tracheal aspirate (TA), sputum, and lung tissue from patients with signs and symptoms of respiratory infection. The testing procedure consists of nucleic acid extraction followed by rRT-PCR on the FDA cleared Applied Biosystems 7500 Fast Dx Real-Time PCR Instrument.

The CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay includes the following primer and probe sets:

- **INF A:** Primers and probe target the gene encoding the Matrix protein to detect all influenza A strains, but do not detect influenza B strains
- **EuH7**: Primers and probe target the gene encoding the HA protein to detect influenza A/H7 (Eurasian Lineage) virus strains

[3] No other criteria of issuance have been prescribed by regulation under section 564(c)(4) of the Act.

- **Extraction/Process Control: RP**: Primers and probe detect the human RNase P gene sequence and are used with human clinical specimens to indicate that adequate isolation of nucleic acid resulted from the extraction of the clinical specimen.

The CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay also includes the following control materials:

- **No Template Control (NTC)**
- **Human Specimen Control (HSC)**
- **Influenza A/H7 (Eurasian Lineage) Positive Control (EuH7PC)**

The above described CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay, when labeled consistently with the labeling authorized by FDA, entitled "CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay Instructions for Use" (available at http://www.fda.gov/MedicalDevices/ Safety/EmergencySituations/ucm161496.htm), which may be revised with written permission of FDA, is authorized to be distributed to and used by public health and other qualified laboratories under this EUA, despite the fact that it does not meet certain requirements otherwise required by federal law.

The above described CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay is authorized to be accompanied by the following information pertaining to the emergency use, which is authorized to be made available to healthcare providers and patients:

- **Fact Sheet for Healthcare Providers: Interpreting CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay Test Results**

- **Fact Sheet for Patients: Understanding Results from CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay**

As described in section IV below, CDC is also authorized to make available additional information relating to the emergency use of the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay that is consistent with, and does not exceed, the terms of this letter of authorization.

I have concluded, pursuant to section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay in the specified population, when used for presumptive detection of A(H7N9) influenza virus, outweigh the known and potential risks of such a product.

I have concluded, pursuant to section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay may be effective in the diagnosis of A(H7N9) influenza virus infection pursuant to section 564(c)(2)(A) of the Act. The FDA has reviewed the scientific information available including the information supporting the conclusions described in Section I above, and concludes that the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7

(Eurasian Lineage) Assay, when used to diagnose A(H7N9) influenza virus infection in the specified population, meets the criteria set forth in section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay under this EUA must be consistent with, and may not exceed, the terms of this letter, including the scope and the conditions of authorization set forth below. Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under section 564(b)(1)(C) described above and the Secretary of HHS's corresponding declaration under section 564(b)(1), the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay described above is authorized to diagnose A(H7N9) influenza virus infection in patients with signs and symptoms of respiratory infection.

This EUA will cease to be effective when the declaration of emergency is terminated under section 564(b)(2) of the Act or when the EUA is revoked under section 564(g) of the Act.

III. Waiver of Certain Requirements

I am waiving the following requirements for the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay during the duration of this emergency use authorization:

- Current good manufacturing practice requirements, including the quality system requirements under 21 CFR Part 820 with respect to the design, manufacture, packaging, labeling, storage, and distribution of the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay.

- Labeling requirements for cleared, approved, or investigational devices, including labeling requirements under 21 CFR 809.10 and 809.30, except for the intended use statement (21 CFR 809.10(a)(2), (b)(2)), adequate directions for use (21 U.S.C. 352(f)), (21 CFR 809.10(b)(5) and (8)), any appropriate limitations on the use of the device including information required under 21 CFR 809.10(a)(4), and any available information regarding performance of the device, including requirements under 21 CFR 809.10(b)(12).

IV. Conditions of Authorization

Pursuant to section 564 of the Act, I am establishing the following conditions on this authorization:

CDC

A. CDC will distribute the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay with the authorized labeling, as may be revised with written permission of FDA, only to public health and other qualified laboratories.

B. CDC will provide to the public health and other qualified laboratories the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay Fact Sheet for Healthcare Providers and the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay Fact Sheet for Patients.

C. CDC will make available on its website the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay Fact Sheet for Healthcare Providers and the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay Fact Sheet for Patients.

D. CDC will inform state and/or local public health authority(ies) of this EUA, including the terms and conditions herein.

E. CDC will ensure that public health and other qualified laboratories using the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay have a process in place for reporting test results to healthcare providers and federal, state, and/or local public health authorities, as appropriate.

F. CDC will track adverse events and report to FDA as required under 21 CFR Part 803.

G. Through a process of inventory control, CDC will maintain records of device usage.

H. CDC will collect information on the performance of the assay, and report to FDA any suspected occurrence of false positive or false negative results of which CDC becomes aware.

I. CDC is authorized to make available additional information relating to the emergency use of the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay that is consistent with, and does not exceed, the terms of this letter of authorization.

J. Only CDC may request changes to the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay Fact Sheet for Healthcare Providers or the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay Fact Sheet for Patients. Such requests will be made by contacting FDA concerning FDA review and approval.

Public Health and Other Qualified Laboratories

K. Public health and other qualified laboratories will include with reports of the results of the CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay the authorized Fact Sheet for Healthcare Providers and the authorized Fact Sheet for Patients.

L. Public health and other qualified laboratories will perform the assay on an Applied Biosystems 7500 Fast Dx Real-Time PCR Instrument with the appropriate software.

M. Public health and other qualified laboratories will have a process in place for reporting test results to healthcare providers and federal, state, and/or local public health authorities, as appropriate.

Page 6 – Dr. Frieden, Centers for Disease Control and Prevention

N. Public health and other qualified laboratories will collect information on the performance of the assay, and report to CDC any suspected occurrence of false positive or false negative results of which public health and other qualified laboratories become aware.

CDC, Public Health and Other Qualified Laboratories

O. CDC, public health and other qualified laboratories will ensure that any records associated with this EUA are maintained until notified by FDA. Such records will be made available to FDA for inspection upon request.

The emergency use of the authorized CDC Human Influenza Virus Real-Time RT-PCR Diagnostic Panel-Influenza A/H7 (Eurasian Lineage) Assay as described in this letter of authorization must comply with the conditions above and all other terms of this authorization.

V. Duration of Authorization

This EUA will be effective until the declaration of emergency is terminated under section 564(b)(2) of the Act or the EUA is revoked under section 564(g) of the Act.

Margaret A. Hamburg, M.D.
Commissioner of Food and Drugs

Dated: June 19, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–15096 Filed 6–24–13; 8:45 am]

BILLING CODE 4160–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–P–0895]

Determination That OPANA ER (Oxymorphone Hydrochloride) Drug Products Covered by New Drug Application 21–610 Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that OPANA ER (oxymorphone hydrochloride (HCl)) Extended-Release Tablet products approved under new drug application (NDA) 21–610 were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to these drug products, and it will allow FDA to continue to approve ANDAs for oxymorphone HCl extended-release tablets if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Patrick Raulerson, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6368, Silver Spring, MD 20993–0002, 301–796–3522.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 U.S.C. 355(j)(7)(C); 21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made before approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

Endo submitted a citizen petition dated August 10, 2012 (Docket No. FDA–2012–P–0895), under 21 CFR 10.30, requesting that the Agency: (1) Determine that OPANA ER (oxymorphone hydrochloride) Extended-Release Tablets approved under NDA 21–610 were discontinued for reasons of safety, (2) refuse to approve any pending ANDA for a generic version of OPANA ER approved under NDA 21–610, and (3) suspend and withdraw the approval of any ANDA referencing OPANA ER approved under NDA 21–610 as the reference listed drug (Petition at 1).

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that the original OPANA ER was not withdrawn for reasons of safety or effectiveness. We describe the basis for this determination in our letter response to Endo's citizen petition (available on *http://www.regulations.gov* under Docket No. FDA–2012–P–0895).

Accordingly, the Agency will continue to list OPANA ER (oxymorphone HCl) Extended-Release Tablets approved under NDA 21–610 in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' includes drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of ANDAs that refer to these drug products. Additional ANDAs that refer to OPANA ER (oxymorphone HCl) Extended-Release Tablets may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs.

Dated: June 19, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–15099 Filed 6–24–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0010]

Regulatory Systems Strengthening

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of grant funds for the support of the Office of International Programs. The goal of the Cooperative Agreement is to strengthen global regulatory capacity through activities that may include: Development of global norms and standards for product regulation; generation and analysis of evidence of regulatory systems performance; and provision of technical support to national regulatory systems strengthening efforts.

DATES: Important dates are as follows:

1. The application due date is August 9, 2013.
2. The anticipated start date is September 10, 2013.
3. The opening date is July 10, 2013.
4. The expiration date is August 10, 2013.

ADDRESSES: Submit electronic applications to: *http://www.grants.gov*. For more information, see section III of the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Charles Preston, Office of Science Policy Analysis/Office of International Programs, HFG–1, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Silver Spring, MD 20993, 301–796–0654, *charles.preston@fda.hhs.gov;* or Daniel Lukash, Office of Acquisitions and Grants Services, Food and Drug Administration, 5630 Fishers Lane, Rm. 2028, Rockville, MD 20857, 301–827–6771, *Daniel.Lukash@fda.hhs.gov*.

For more information on this funding opportunity announcement (FOA) and to obtain detailed requirements, please refer to the full FOA located at *http://www.fda.gov/InternationalPrograms/CapacityBuilding/default.htm*.

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

RFA–FD–13–024

93.103

A. Background

The World Health Organization (WHO) has responsibility for helping to ensure access to essential medical products of assured safety, quality, and efficacy within its 193 Member States. It does so in three primary areas: (1) Setting global norms and standards; (2) articulating evidence-based policy options, including those relating to regulatory systems performance; and (3) providing technical support to national regulatory authorities and governments. These activities help to strengthen national regulatory systems. In this era of globalization, products can be imported from anywhere in the world within increasingly complex supply chains. As national and global health programs work to scale up access to medicines and health products, strong national regulatory systems are more important than ever before.

What are the necessary constituents of an effective medical products regulatory system? This is an important question, and one which the U.S. Institute of Medicine recently addressed, identifying some core elements of a successful regulatory system. These include sound government; good manufacturing, clinical, and laboratory practices; staff development and professionalization; monitoring and evaluation of product quality using laboratories; inspection and surveillance of products throughout the supply chain; risk assessment, analysis, and management; and emergency response. WHO helps to strengthen medical products regulatory systems through activities that include disseminating global quality norms and standards; facilitating the exchange of regulatory information; assessing regulatory authorities; providing training; distributing scientific materials and information on aspects of regulation from regional and global perspectives; expanding the global monitoring and surveillance system for falsified and substandard products; supporting national pharmacovigilance programs; and building capacity as a component of WHO's prequalification programs.

Another important area of work on regulatory systems strengthening is through a new Member State Mechanism (MSMech) on Substandard, Spurious, Falsified, Falsely-labeled, and Counterfeit (SSFFC) medical products, which was established as part of a resolution at the 65th World Health Assembly in May 2012. The MSMech is designed to address SSFFC issues and advance medical product safety and quality through the strengthening of national regulatory capacities. The first meeting of the MSMech occurred in Buenos Aires, Argentina, in November 2012, and the representatives agreed to form a global steering committee with representation from the WHO regions to support implementation of the workplan; the creation and management of selected work groups to address specific work areas; and the development of data-driven approaches to SSFFC issues. Participants also stressed the need for initiatives to educate consumers on the threats of SSFFC, for methodologies and instruments to obtain more accurate information about the nature and magnitude of the SSFFC problem, and for guidelines on how to better respond to the detection of SSFFC medical products.

FDA has been actively engaged with WHO on a number of these fronts. FDA experts participate in WHO drug and vaccine safety advisory committees, which develop important international norms and standards for the regulation of medical products. In addition, FDA has implemented a number of Cooperative Agreements with WHO on medical product safety and quality in recent years. In 2010, the Office of International Programs (OIP)/FDA set up a Cooperative Agreement with WHO to develop a global monitoring platform for SSFFC medical products. A steering group of experts from relevant FDA Centers provides guidance, direction, and advice regarding this cooperative effort. The overarching priority is the exchange of information about and expertise on matters relating to SSFFC so that data can be collected and contribute to the formulation of policies and programs that combat the problem. The system allows participating countries to report SSFFC information using a simple, electronic rapid alert form. Once the information has been submitted, WHO can take the appropriate first-response measures to circulate such information to governments, WHO regional offices, and other stakeholders as necessary. Analyses, threat assessments, thematic reporting, and bulletins based on the reported data may also be completed and shared.

B. Research Objectives

The Cooperative Agreement announced in this FOA represents the further expansion of well-established collaborations between WHO and OIP/FDA in support of data-driven and science-based public health strategies and approaches. These collaborations align well with FDA domestic and global goals, as outlined in its 2011 Pathway Report to Global Product Safety and Quality, including addressing medical product safety and quality problems. Relevant strategies include: (1) Developing global norms and standards; (2) generating and analyzing evidence on regulatory systems performance; and (3) providing technical support to national regulatory systems strengthening efforts. This Cooperative Agreement is expected to support the following types of collaboration:

- Developing global norms and standards
  - Enabling the sharing of scientific findings and data through expert meetings and technical consultations;
  - Assisting Member States in the implementation and subsequent evaluation of internationally recognized standards and guidelines, e.g. WHO guidelines and standards and those emerging from standards development venues such as the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH);
  - Utilizing WHO's convening power to engage with relevant stakeholders on science-based norms and standards;
- Generating and analyzing evidence of regulatory systems performance
  - Contributing to the knowledge base of the current state of medical product regulation globally, including challenges, risks, and emerging trends;
  - Enabling and/or further strengthening the development of data/information systems as sources of inputs for evidence-based regulatory decisions and actions and enhanced knowledge management systems, coalitions, and networks;
- Providing technical support to national regulatory systems strengthening efforts
  - Enabling the strengthening of regulatory systems at the national and international levels in such critical domains as good manufacturing, clinical, and laboratory practices; developing curricula that supports regulatory professionalization; monitoring and evaluating product quality; laboratory capacity; inspection and surveillance of products throughout the supply chain; pharmacovigilance systems building and analyses; risk assessment, analysis, and

management; and making the business case for investments in regulatory systems.

C. Eligibility Information

This is a Single Source Cooperative Agreement.

II. Award Information/Funds Available

A. Award Amount

An award of up to $1,500,000 for this cooperative agreement will be available the first year (fiscal year (FY) 2013) based on available appropriations. Funding for subsequent years for this 5-year award will be contingent on the availability of appropriations and successful performance in the award not to exceed $1,500,000 per year.

B. Length of Support

The initial period of performance is 1 year. Contingent upon successful performance, additional awards may be available in FYs 2014, 2015, 2016, and 2017.

III. Electronic Application, Registration, and Submission

Only electronic applications will be accepted. To submit an electronic application in response to this FOA, applicants should first review the full announcement located at *http://www.fda.gov/InternationalPrograms/CapacityBuilding/default.htm*. (FDA has verified the Web site addresses throughout this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.) For all electronically submitted applications, the following steps are required.

- Step 1: Obtain a Dun and Bradstreet (DUNS) Number
- Step 2: Register With System for Award Management (SAM)
- Step 3: Obtain Username & Password
- Step 4: Obtain Authorized Organization Representative (AOR) Authorization
- Step 5: Track AOR Status
- Step 6: Register With Electronic Research Administration (eRA) Commons

Steps 1 through 5, in detail, can be found at *http://www07.grants.gov/applicants/organization_registration.jsp*. Step 6, in detail, can be found at *https://commons.era.nih.gov/commons/registration/registrationInstructions.jsp*. After you have followed these steps, submit electronic applications to: *http://www.grants.gov*.

Dated: June 19, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–15101 Filed 6–24–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0012]

Building Research Capacity in Global Tobacco Product Regulation Program (U18)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of grant funds for the support of the Center for Tobacco Product's (CTP's) Building Research Capacity in Global Tobacco Product Regulation Program. FDA intends to accept and consider a single source application for award to the World Health Organization (WHO) to identify, support, develop, conduct, and coordinate research efforts relating to tobacco control laws and rules in foreign countries that will directly inform and support FDA's exercise of its authority to regulate the manufacture, distribution, marketing, and sale of tobacco products in the United States. The Building Research Capacity in Global Tobacco Product Regulation Program seeks to advance and expand research in support of tobacco product regulation, in order to reduce the morbidity and mortality associated with tobacco use both within the United States and internationally. The program will advance FDA's and CTP's mission by utilizing WHO Member States' expertise and extensive international contacts in global tobacco control, as well as WHO's own programmatic expertise, to inform and support adequate manufacture, distribution, and market regulations of tobacco products for the protection of public health in the United States.

DATES: Important dates are as follows:

1. The application due date is July 31, 2013.
2. The anticipated start date is September 2013.
3. The opening date is July 1, 2013.
4. The expiration date is August 1, 2013.

ADDRESSES: Submit electronic applications to: *http://www.grants.gov*. For more information, see section III of the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Caitlin Addorisio, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–796–0371; or Lisa Ko, Office of Acquisition and Grants Services, Food and Drug Administration, 5630 Fishers Lane, Rockville, MD 20857, 301–827–5095.

For more information on this funding opportunity announcement (FOA) and to obtain detailed requirements, please refer to the full FOA located at *http://www.grants.gov*. Search by Funding Opportunity Number: RFA–FD–13–032.

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

RFA–FD–13–032.
93.103.

A. Background

1. Authority

The Building Research Capacity in Global Tobacco Product Regulation Program is authorized by 42 U.S.C. 241 of the Public Health Service Act and the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31).

2. Program Background

Tobacco use is the foremost preventable cause of premature death in America. It causes over 443,000 deaths in the United States each year, and another 8.6 million smokers have at least one serious illness due to smoking. A compelling body of evidence illustrates that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

On June 22, 2009, President Obama signed the Tobacco Control Act, giving FDA regulatory authority to regulate the manufacturing, labeling, sale, distribution, advertising, and promotion of tobacco products.

Some key FDA activities authorized or required by the Tobacco Control Act include:

- Mandating larger, more varied, and more prominent warning labels on cigarette and smokeless tobacco products (Title II of the Tobacco Control Act).
- Restricting tobacco product sales, advertising, and promotion (section 906(d) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C 387f(d)); section 102 of the Tobacco Control Act)).
- Establishing product standards to regulate the contents, design, components, emissions, and other characteristics of tobacco products

(section 907 of the FD&C Act) (21 U.S.C 387g).

• Prohibiting explicit and implicit claims of modified risk or modified exposure (including ''light,'' ''low,'' or ''mild'' and similar descriptors), without an FDA order that the modified risk product may be marketed (section 911 of the FD&C Act) (21 U.S.C. 387k).

• In general (with certain narrow exceptions), limiting the introduction of new tobacco products to those for which FDA determines that the marketing of the product would be ''appropriate for the protection of public health'' (sections 905, 910 of the FD&C Act) (21 U.S.C. 387e, 387j).

• Collecting data on certain tobacco product constituents, ingredients, and additives and establishing a list of harmful and potentially harmful constituents in tobacco products, including smoke constituents, by brand and subbrand (sections 904, 915 of the FD&C Act) (21 U.S.C. 387d, 387*o*).

Please visit *http://www.fda.gov/TobaccoProducts/default.htm* for more information on the Tobacco Control Act and related regulations, guidance, and other educational information.

To implement the new law, Congress directed the creation of CTP at FDA. CTP oversees the implementation of the Tobacco Control Act. CTP's mission is to protect Americans from tobacco-related death and disease by regulating the manufacture, distribution, and marketing of tobacco products and by educating the public, especially young people, about tobacco products and the dangers their use poses to themselves and others.

Protecting the public health requires multidimensional programs that address both immediate threats as well as their systemic causes. Using this public health approach, CTP can successfully deter youth from ever using tobacco products while encouraging current consumers to quit. CTP will communicate broadly and effectively about the Agency's new responsibilities for tobacco product regulation and the dangers tobacco use poses to young people and adults. CTP will use its unique authorities to develop strategies to decrease the harms associated with the use of tobacco products. CTP will expand its research program and, with it, its proven commitment to regulatory science.

CTP's strategic public health goals include:

• Decreasing initiation of tobacco product use, especially among youth,

• Decreasing the harms of tobacco product use, and

• Encouraging tobacco use cessation.

3. Overarching Program Goal

The goal of the Building Research Capacity in Global Tobacco Product Regulation Program is to advance and expand research in support of tobacco product regulation, in order to reduce the morbidity and mortality associated with tobacco use both within the United States and internationally.

WHO, in particular WHO's Tobacco Free Initiative, will conduct and coordinate data collection, expert insights and analysis, and other research to support tobacco product regulation activities. WHO's activities provide a universal public health benefit by identifying and analyzing tobacco regulatory challenges, collating science-based tools to combat such challenges, and enhancing regulatory capabilities of governments to implement successful tobacco product regulation and decrease the global use of tobacco products. The activities provide a significant domestic benefit, as the scientific, policy, and legal research gathered will contribute to FDA's own tobacco product regulation activities aimed at decreasing domestic tobacco-related death and disease, and the American public will gain new information about tobacco products and the dangers their use poses.

As highlighted previously, CTP continues to take steps to implement the Tobacco Control Act. It is beneficial for FDA to learn from the successes and failures of other international regulatory agencies and consider the vast research available globally to inform FDA's decisions. As CTP considers its mandate to place restrictions on the sale and distribution of tobacco products, implement tobacco product standards, review applications for new tobacco products, and consider applications for modified risk products, among other activities, it is important to consider global trends, scientific literature, and the support/scientific information/research or evaluation opportunities in other countries' relevant tobacco experience. The Building Research Capacity in Global Tobacco Product Regulation Program will help support a global network of tobacco product regulators that will enable robust information sharing and health research collection globally, thereby catalyzing the use of best practices, and complementing CTP's regulatory efforts.

B. Research Objectives

1. Program Purpose

The purpose of the Building Research Capacity in Global Tobacco Product Regulation Program is to identify, support, develop, conduct, and coordinate research efforts relating to tobacco control laws and rules in foreign countries that will directly inform and support FDA's exercise of its authority to regulate the manufacture, distribution, marketing, and sale of tobacco products in the United States.

The program will advance CTP's mission by utilizing the WHO's Member States' expertise and extensive international contacts in global tobacco control, as well as WHO's own programmatic expertise, to inform and support adequate manufacture, distribution, and market regulations of tobacco products for the protection of public health in the United States.

2. Program Priorities

The Program's grant funds will support WHO in expanding the research foundation for tobacco product regulation, in an effort to support FDA's implementation of the Tobacco Control Act. It is expected that this effort may also support foreign governments' development of tobacco control policies and regulations. A strong application will seek to increase comprehensive data collection, expert insight and analysis, and other research related to scientific, legal, and policy information that can contribute to successful domestic regulation and policies that will protect Americans from tobacco-related death and disease and promote public understanding of tobacco risk.

The application must include the following activities: (1) Propose a program plan, relying on WHO's long history of coordinating international collaborative projects in support of tobacco control development and its established international contacts, that supports FDA approaches to reducing tobacco use, harm, and addiction; (2) identify, support, develop, conduct, and coordinate multilateral research efforts in the areas of science, law, policy, and public health communications/education that advance FDA's regulation of the manufacturing, marketing, and distribution of tobacco products as found in the Tobacco Control Act; (3) plan, build, adapt, or expand data collection/information sharing mechanisms, management, and reporting protocols necessary to facilitate Program information exchanges, analysis, and other research; and (4) evaluate program activities, processes, and outcomes, including summation evaluation, to document and disseminate results and outcomes.

The applicant must propose science-based activities that advance the international tobacco product regulation research foundation in order to reduce tobacco-related death and disease both

in the United States and around the world. The applicant should track both short-term and long-term goals, and demonstrate how the proposed activities are related to CTP's regulation of tobacco products under the Tobacco Control Act.

By way of example, project activities could:

- In the first year, draft a long-term strategy for increasing WHO's capacity to facilitate global tobacco-related research;
- Create global data information systems to support the program research goals and allow for efficient and timely information sharing with FDA and other partners;
- Continue to coordinate and mobilize an international tobacco regulators' network, via conferences, workshops, teleconferences, and other regular engagements, for the purpose of sharing global tobacco regulation experience and expertise; and
- Analyze tobacco-related research and produce technical papers on various issues of relevance to tobacco product regulation, e.g., illicit trade in tobacco products, tobacco control and intellectual property rights, tobacco control and international trade, nicotine addiction, and other topics.

The applicant must be familiar with the specific provisions of the Tobacco Control Act and the regulatory activities of FDA. In addition to demonstrating how the proposed project is related to CTP's regulation of tobacco products under the Tobacco Control Act, the applicant must demonstrate how it will advance the public health goals that underlie these FDA activities. Please visit *http://www.fda.gov/TobaccoProducts/default.htm* for more information on the Tobacco Control Act and related regulations, guidance, and other educational information.

C. Eligibility Information

The following organization is eligible to apply: WHO.

As FDA seeks to proactively work with other countries and identify research and evaluation opportunities that will impact FDA's ability to successfully implement the Tobacco Control Act, further collaboration with WHO is anticipated. With the financial support from FDA, WHO is uniquely qualified to undertake these activities, given its mandate, wide access to data, participation of member states, and access to worldwide regulatory expertise.

Specific Evidence To Justify Single Eligibility

- Example databases already in place:
  - WHO Framework Convention on Tobacco Control Health Warnings Database (*http://www.who.int/tobacco/healthwarningsdatabase/en/index.html*).
  - Tobacco Industry Monitoring Database.
- Examples of Global Tobacco Research Reports/White Papers:
  - WHO report on the global tobacco epidemic, 2001, 2009, 2008.
  - Developing Legislation for Tobacco Control.
  - WHO Study Group on Tobacco Product Regulation Report on the Scientific Basis of Tobacco Product Regulation.
  - Confronting the tobacco epidemic in a new era of trade and investment liberalization.
  - See more examples at: *http://www.who.int/tobacco/publications/prod_regulation/en/index.html.*
- Examples of Global Tobacco Regulator Workshops and Meetings/Network of Scientists:
  - Tobacco Product Regulation (TobReg): *http://www.who.int/tobacco/industry/product_regulation/tobreg/en/index.html.*
  - Tobacco Laboratory Network (TobLabNet): *http://www.who.int/tobacco/industry/product_regulation/toblabnet/en/index.html.*
  - Experience coordinating and conducting regular scientific meetings: *http://www.who.int/tobacco/industry/product_regulation/toblabnet/meetings/en/index.html.*
  - 2011 International Tobacco Regulators Conference that was cosponsored by WHO and FDA: *http://www.who.int/tobacco/industry/product_regulation/forum/conference2012.pdf.*

II. Award Information/Funds Available

A. Award Amount

FDA/CTP anticipates providing in fiscal year (FY) 2013 up to $1 million (total costs including indirect costs for one award subject to availability of funds) in support of this project. FDA/CTP anticipates the possibility of four additional years of support up to $4 million of funding contingent upon successful performance and the availability of funding. Program funds may not be used for any purpose other than those directly tied to the regulation of tobacco products under the Tobacco Control Act.

- FY Funds: 2013.
- Estimated Current FY Funding: $1 million.
- Maximum Size Award in Current Fiscal Year: $1 million.
- Estimated Number of Awards: 1.
- Estimated Future Year Funding: FY 2014 ($1 million), FY 2015 ($1 million), FY 2016 ($1 million), and FY 2017 ($1 million).
- Maximum Size Award in Future Years: FY 2014 ($1 million), FY 2015 ($1 million), FY 2016 ($1 million), and FY 2017 ($1 million).
- Maximum Project Period: 5 Years.

B. Length of Support

The length of support will depend on the nature of the project. The budget period in current and future funding years will be as follows: FY 2013 (12 months), FY 2014 (12 months), FY 2015 (12 months), FY 2016 (12 months), and FY 2017 (12 months).

III. Electronic Application, Registration, and Submission

Only electronic applications will be accepted. To submit an electronic application in response to this FOA, applicants should first review the full announcement located at *http://www.grants.gov.* Search by Funding Opportunity Number: RFA–FD–13–032. (FDA has verified the Web site addresses throughout this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.) For all electronically submitted applications, the following steps are required.

Step 1: Obtain a Dun and Bradstreet (DUNS) Number.

Step 2: Register With System for Award Management (SAM).

Step 3: Obtain Username & Password.

Step 4: Authorized Organization Representative (AOR) Authorization.

Step 5: Track AOR Status.

Step 6: Register With Electronic Research Administration (eRA) Commons.

Steps 1 through 5, in detail, can be found at *http://www07.grants.gov/applicants/organization_registration.jsp.* Step 6, in detail, can be found at *https://commons.era.nih.gov/commons/registration/registrationInstructions.jsp.* After you have followed these steps, submit electronic applications to: *http://www.grants.gov.*

Dated: June 19, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–15097 Filed 6–24–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–D–0083]

Guidance for Industry on Heparin for Drug and Medical Device Use: Monitoring Crude Heparin for Quality; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Heparin for Drug and Medical Device Use: Monitoring Crude Heparin for Quality.'' This guidance was initially published as a draft guidance on February 13, 2012. The draft was revised to clarify FDA's expectations and recommendations and to include references to a recently-developed assay for detecting ruminant contamination of crude heparin.

DATES: Submit either electronic or written comments on Agency guidances at any time.

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. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management, Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Frank W. Perrella, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4257, Silver Spring, MD 20993–0002, 301–796–3265; or Dennis M. Bensley, Jr., Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–8268; or Scott McNamee, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3416, Silver Spring, MD 20993–0002, 301–796–5523.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Heparin for Drug and Medical Device Use: Monitoring Crude Heparin for Quality.'' This guidance provides recommendations that will help active pharmaceutical ingredient (API) manufacturers, pharmaceutical and medical device manufacturers of finished products, and others, to prevent the use of crude heparin that might contain oversulfated chondroitin sulfate (OSCS) or non-porcine material (especially ruminant material) contaminants. This guidance on crude heparin recommends strategies to test for contamination and should be used in addition to the United States Pharmacopeia (USP) monograph testing required for other forms of heparin to detect the presence of OSCS.

Following reports of serious adverse events (including deaths) among patients injected with heparin sodium in 2008, FDA identified the contaminant OSCS in crude heparin sourced from China. FDA is also concerned about the potential for contamination of heparin with ruminant materials. The control of the quality of crude heparin is important to ensure the safety of drugs and devices and to protect public health. FDA developed this guidance to alert manufacturers to the risks of crude heparin contaminants and to recommend strategies to ensure that the heparin supply chain is not contaminated with OSCS or any non-porcine ruminant material (unless specifically approved as part of drug or medical device application).

The guidance recommends that manufacturers test and confirm the species origin of crude heparin in each lot of every shipment before use in the manufacture or preparation of a drug or medical device containing heparin. The test method should be qualified for use in testing crude heparin and for the identification of species origin. The method should be based on good scientific principles (e.g., sufficient accuracy and specificity) and possess a level of sensitivity commensurate with the current state of scientific knowledge and risk. FDA has posted a method entitled ''Heparin Multiplex Real-Time PCR Assay (hMRTA),'' on the Internet at *http://www.fda.gov/AnimalVeterinary/ScienceResearch/ToolsResources/ucm350289.htm.* This method will be updated occasionally and persons performing the assay should visit the Web site regularly to ensure they are using the most current version.

The guidance also recommends that manufacturers test for OSCS in crude heparin in each lot of every shipment before use, using a qualified test method that is suitable for detecting low levels of OSCS concentrations and is based on good scientific principles. FDA has also made an HPLC method for testing for the presence of OSCS in crude heparin available on the Internet at *http://www.fda.gov/downloads/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/UCM206230.pdf.* Users of this method should also review the Web site occasionally to ensure they are employing the most current version.

In addition to testing crude heparin for species of origin and the presence of OSCS in crude heparin, manufacturers should reject for use any crude heparin found to contain any amount of OSCS, or to be derived from, in any amount, ruminant mucosa (unless approved in the drug or device application). If imported into the United States, any such crude heparin or heparin products in which it was used should be controlled, and manufacturers should notify FDA of any such finding. The guidance also recommends that manufacturers identify and audit crude heparin suppliers and heparin API suppliers to ensure conformance to appropriate quality standards. Manufacturers should employ the controls described in the guidance for industry entitled ''Q7 Good Manufacturing Practice Guidance for Active Pharmaceutical Ingredients'' and comply with the quality system regulations (as applicable).

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on Heparin for Drug and Medical Device Use: Monitoring Crude Heparin for Quality. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. The Paperwork Reduction Act of 1995

This 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). In the guidance, FDA advises drug and medical device manufacturers who receive and use crude heparin to manufacture drugs and medical devices to notify the Agency of crude heparin found to contain any amount of OSCS, or to be derived from, in any amount, ruminant mucosa (unless approved in the drug or device application) (for human drugs, 21 CFR 314.81(b)(1)(ii); for animal drugs, 21 CFR 514.80(b); for medical devices, 21 CFR 803.50). The collections of information in 21 CFR 314.81(b)(1)(ii) have been approved under OMB control number 0910–0001; in 21 CFR 514.80(b) under OMB control number 0910–0284; and in 21 CFR 803.50 under OMB control number 0910–0437.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: June 19, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–15100 Filed 6–24–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Tobacco Products Scientific Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Tobacco Products Scientific Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on August 16, 2013, from 8:30 a.m. to 3 p.m.

Location: Sheraton Silver Spring Hotel, 8777 Georgia Ave., Silver Spring, MD 20910.

Contact Person: Caryn Cohen, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 1–877–287–1373 (choose option 5), email: *TPSAC@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line, to learn about possible modifications before coming to the meeting.

Agenda: On August 16, 2013, the Committee will discuss possible approaches for evaluating information on the risks and potential benefits of a proposed modified risk tobacco product (MRTP) to the population as a whole. MRTPs are tobacco products that are sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products. Before an MRTP can be introduced or delivered for introduction into interstate commerce, an order from FDA under section 911(g) (21 U.S.C. 387k(g)) of the Federal Food, Drug, and Cosmetic Act must be in effect with respect to the tobacco product. 21 U.S.C. 387k(a).

In reviewing MRTP applications, among other things, FDA must evaluate the effects of a proposed product on the health of individual tobacco users and the population as a whole, taking into account: (1) The relative health risks to individuals of the MRTP; (2) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the MRTP; (3) the increased or decreased likelihood that persons who do not use tobacco products will start using the MRTP; (4) the risks and benefits to persons from the use of the MRTP compared to the use of smoking cessation drug or device products approved by FDA to treat nicotine dependence; and (5) comments, data, and information submitted to FDA by interested persons. 21 U.S.C. 387k(g)(4).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 1, 2013. Oral presentations from the public will be scheduled between approximately 11 a.m. and 12 noon. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 25, 2013. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 26, 2013.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA 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 Caryn Cohen at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 19, 2013.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2013–15102 Filed 6–24–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received within 30 days of this notice.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: ''Health Care and Other Facilities''

OMB No. 0915–0309—Extension

Abstract: The Health Resources and Services Administration's Health Care and Other Facilities (HCOF) program provides congressionally-directed funds to health-related facilities for construction related activities and/or capital equipment purchases. Awarded facilities are required to provide a periodic (quarterly for construction related projects, annually for equipment only projects) update of the status of the funded project until it is completed. The monitoring period averages about three years, although some projects take up to five years to complete. The information collected from these updates is vital to program management staff to determine whether projects are progressing according to the established timeframes, meeting deadlines established in the Notice of Award, and drawing down funds appropriately. The data collected from the updates are also shared with the Division of Grants Management Operations for their assistance in the overall evaluation of each project's progress.

An electronic form is currently being used for progress reporting for the HCOF program. This standardized form enables grantees to directly input the required information in a consistent and uniform manner. The electronic form minimizes burden to respondents by alerting the respondents when there are missing data elements prior to submission. We acknowledge a change in the burden estimate due to close out of old projects.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Construction Related	200	4	800	.5	400
Equipment Only	317	1	317	.5	158.5
Total	517		1,117		558.5

Dated: June 19, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–15113 Filed 6–24–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received within 30 days of this notice.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to

OIRA_submission@omb.eop.gov or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: HRSA AIDS Education and Training Centers (AETC)

OMB No. 0915–0281—Revision

Abstract: The AETC Program, under the Ryan White HIV/AIDS Program established by Title XXVI of the Public Health Service (PHS) Act, as amended, supports a network of regional and national centers that conduct targeted, multi-disciplinary education and training programs for health care providers treating persons with HIV/AIDS. The AETC's purpose is to increase the number of health care providers who are effectively educated and motivated to counsel, diagnose, treat, and medically manage individuals with HIV infection, and to help prevent high-risk behaviors that lead to HIV transmission.

As part of an ongoing effort to evaluate AETC activities, information is needed on AETC training sessions, consultations, and technical assistance activities. Each regional center collects information on AETC training events, and is required to report aggregate data on their activities to HRSA's HIV/AIDS Bureau (HAB). The data provides information on the number of training events, including clinical trainings and consultations, as well as technical assistance activities conducted by each regional center, the number of health care providers receiving professional training or consultation, and the time and effort expended on different levels of training and consultation activities. In addition, information is obtained on the populations served by AETC trainees and the increase in capacity achieved through training events. Collection of this information allows HRSA/HAB to provide information on training activities and types of education and training provided to Ryan White HIV/AIDS Program Grantees, resource allocation, and capacity expansion. Trainees are asked to complete the Participant Information Form (PIF) for each activity they complete, and trainers are asked to complete the Event Record (ER).

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
PIF	114,423	1	114,423	0.07	8,009.61
ER	14,445	1	14,445	0.07	1,011.15
Total	128,868		128,868		9,020.76

The estimated annual burden to AETCs is as follows:

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Aggregate Data Set	16	2	32	29	928.0

The total burden hours are 9,948.76.

Dated: June 19, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–15114 Filed 6–24–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Recruitment of Sites for Assignment of Corps Personnel Obligated Under the National Health Service Corps Scholarship Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: General notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that the listing of entities, and associated Health Professional Shortage Area (HPSA) scores, that will receive priority for the assignment of National Health Service Corps (NHSC) scholarship recipients serving as Corps members, as well as those serving under the Private Practice Option (''NHSC scholars'' collectively), during the period July 1, 2013, through June 30, 2014, is posted on the NHSC Web site at *http://nhscjobs.hrsa.gov.* The NHSC Jobs Center includes all sites that are approved for performance of service by NHSC scholars; however, note that entities on this list may or may not have current job vacancies.

Eligible HPSAs and Entities

To be eligible to receive assignment of Corps members, entities must: (1) Have a current HPSA status of ''designated'' by the Division of Policy and Shortage Designation, Bureau of Clinician Recruitment and Service, HRSA, as of January 1, 2013, for placements July 1, 2013, through December 31, 2013, or January 1, 2014, for placements January 1, 2014, through June 30, 2014; (2) not deny requested health care services, or discriminate in the provision of services to an individual because the individual is unable to pay for the services or because payment for the services would be made under Medicare, Medicaid, or the Children's Health Insurance Program (CHIP); (3) enter into an agreement with the state agency that administers Medicaid and CHIP, accept assignment under Medicare, see all patients regardless of their ability to pay and post such policy, and use and post a discounted fee plan; and (4) be determined by the Secretary to have (a) a need and demand for health manpower in the area; (b) appropriately and efficiently used Corps members assigned to the entity in the past; (c) general community support for the assignment of Corps members; (d) made unsuccessful efforts to recruit; (e) a reasonable prospect for sound fiscal management by the entity with respect to Corps members assigned there; and (f) demonstrated a willingness to support and facilitate mentorship, professional development, and training opportunities for Corps members. Priority in approving applications for assignment of Corps members goes to sites that (1) provide primary medical care, mental health, and/or oral health services to a primary medical care, mental health, or dental HPSA of greatest shortage, respectively; (2) are part of a system of care that provides a continuum of services, including comprehensive primary health care and appropriate referrals or arrangements for secondary and tertiary care; (3) have a documented record of sound fiscal management; and (4) will experience a negative impact on its capacity to provide primary health services if a Corps member is not assigned to the entity. Sites that provide specialized care, or a limited set of services, will receive greater scrutiny and may not receive approval as NHSC service sites. This may include clinics that focus on one disease or disorder or offer limited services, such as a clinic that only provides immunizations or a substance abuse clinic.

Entities at which NHSC scholars are performing their service obligations must assure that (1) the position will permit the full scope of practice and that the clinician meets the credentialing requirements of the state and site; and (2) the NHSC scholar assigned to the entity is engaged in the requisite amount of clinical practice, as defined below, to meet his or her service obligation:

Full-Time Clinical Practice

''Full-time clinical practice'' is defined as a minimum of 40 hours per week for at least 45 weeks per service year. The 40 hours per week may be compressed into no less than 4 work days per week, with no more than 12 hours of work to be performed in any 24-hour period. Time spent on-call does not count toward the full-time service obligation, except to the extent the provider is directly treating patients during that period.

For all health professionals, except as noted below, at least 32 of the minimum 40 hours per week must be spent providing direct patient care or teaching in the outpatient ambulatory care setting(s) at the NHSC-approved service site(s) during normally scheduled office hours. The remaining 8 hours per week must be spent providing clinical services for patients or teaching in the approved practice site(s), providing clinical services in alternative settings as directed by the approved practice site(s), or performing practice-related administrative activities. Teaching activities at the approved service site shall not exceed 8 hours of the minimum 40 hours per week, unless the teaching takes place in a HRSA-funded Teaching Health Center (see Section 340H of the Public Health Service Act, 42 U.S.C. Section 256h). Teaching activities in a HRSA-funded Teaching Health Center shall not exceed 20 hours of the minimum 40 hours per week.

For obstetrician/gynecologists, certified nurse midwives, family medicine physicians who practice obstetrics on a regular basis, providers of geriatric services, pediatric dentists, and behavioral/mental health providers, at least 21 of the minimum 40 hours per week must be spent providing direct patient care or teaching in the outpatient ambulatory care setting(s) at the NHSC-approved service site(s), during normally scheduled office hours. The remaining 19 hours per week must be spent providing clinical services for patients or teaching in the approved practice site(s), providing clinical services in alternative settings as directed by the approved practice site(s), or performing practice-related administrative activities. No more than 8 hours per week can be spent performing practice-related administrative activities. Teaching activities at the approved service site shall not exceed 8 hours of the minimum 40 hours per week, unless the teaching takes place in a HRSA-funded Teaching Health Center. Teaching activities in a HRSA-funded Teaching Health Center shall not exceed 20 hours of the minimum 40 hours per week.

For physicians (including psychiatrists), physician assistants, nurse practitioners (including those specializing in psychiatry or mental health), and certified nurse midwives serving in a Critical Access Hospital (CAH), defined as a nonprofit facility that is (a) located in a state that has established with the Centers for Medicare and Medicaid Services (CMS) a Medicare rural hospital flexibility program; (b) designated by the state as a CAH; (c) certified by CMS as a CAH; and (d) in compliance with all applicable CAH conditions of participation, the full-time service requirements are as follows: At least 16 of the minimum 40 hours per week must be spent providing direct patient care or teaching in the CAH-affiliated outpatient ambulatory care setting(s) specified in the NHSC's Customer Service Portal, during normally scheduled office hours. The remaining 24 hours of the minimum 40 hours per week must be spent providing direct patient care for patients or teaching at the CAH(s) or the CAH-affiliated outpatient ambulatory care setting specified in the Customer Service Portal, providing direct patient care in the CAH's skilled nursing facility or swing bed unit, or performing practice-related administrative activities. No more than 8 hours per week can be spent on practice-related administrative activities. Teaching activities at the approved service site(s) shall not exceed 8 hours of the minimum 40 hours per week, unless the teaching takes place in a HRSA-funded Teaching Health Center (see Section 340H of the Public Health Service Act, 42 U.S.C. Section 256h). Teaching activities in a HRSA-funded Teaching Health Center shall not exceed 20 hours of the minimum 40 hours per week.

Half-Time Clinical Practice

''Half-time clinical practice'' is defined as a minimum of 20 hours per week (not to exceed 39 hours per week), for at least 45 weeks per service year. The 20 hours per week may be compressed into no less than 2 work days per week, with no more than 12 hours of work to be performed in any 24-hour period. Time spent on-call does not count toward the half-time service obligation, except to the extent the provider is directly treating patients during that period.

For all health professionals, except as noted below, at least 16 of the minimum 20 hours per week must be spent providing direct patient care in the outpatient ambulatory care setting(s) at the NHSC-approved service site(s), during normally scheduled office hours.

The remaining 4 hours per week must be spent providing clinical services for patients or teaching in the approved practice site(s), providing clinical services in alternative settings as directed by the approved practice site(s), or performing practice-related administrative activities. Teaching and practice-related administrative activities shall not exceed a total of 4 hours of the minimum 20 hours per week.

For obstetrician/gynecologists, certified nurse midwives, family medicine physicians who practice obstetrics on a regular basis, providers of geriatric services, pediatric dentists, and behavioral/mental health providers, at least 11 of the minimum 20 hours per week must be spent providing direct patient care in the outpatient ambulatory care setting(s) at the NHSC-approved service site(s), during normally

scheduled office hours. The remaining 9 hours per week must be spent providing clinical services for patients or teaching in the approved practice site(s), providing clinical services in alternative settings as directed by the approved practice site(s), or performing practice-related administrative activities. Teaching and practice-related administrative activities shall not exceed 4 hours of the minimum 20 hours per week.

For physicians (including psychiatrists), physician assistants, nurse practitioners (including those specializing in psychiatry or mental health), and certified nurse midwives serving in a Critical Access Hospital (CAH), the half-time service requirements are as follows: At least 8 of the minimum 20 hours per week must be spent providing direct patient care or teaching in the CAH-affiliated outpatient ambulatory care setting(s) specified in the Customer Service Portal, during normally scheduled office hours. The remaining 12 hours of the minimum 20 hours per week must be spent providing direct patient care for patients or teaching at the CAH(s) or the CAH-affiliated outpatient ambulatory care setting specified in the Practice Agreement, providing direct patient care in the CAH's skilled nursing facility or swing bed unit, or performing practice-related administrative activities. Teaching and practice-related administrative activities shall not exceed 4 hours of the minimum 20 hours per week.

Half-time clinical practice is not an option for scholars serving their obligation through the Private Practice Option.

In addition to utilizing NHSC scholars in accordance with their full-time or half-time service obligation (as defined above), NHSC service sites are expected to (1) report to the NHSC all absences, including those in excess of the authorized number of days (up to 35 full-time days per service year in the case of full-time service and up to 35 half-time days per service year in the case of half-time service); (2) report to the NHSC any change in the status of an NHSC clinician at the site; (3) provide the time and leave records, schedules, and any related personnel documents for NHSC scholars (including documentation, if applicable, of the reason(s) for the termination of an NHSC clinician's employment at the site prior to his or her obligated service end date); and (4) submit an NHSC Site Survey, or a Uniform Data System (UDS) report in the case of entities receiving HRSA grant support under Section 330 of the Public Health Service Act. The Site Survey or UDS report, as applicable, requires the site to assess the age, sex, race/ethnicity of, and provider encounter records for, its user population and are site specific. Providers fulfilling NHSC commitments are approved to serve at a specific site or, in some cases, more than one site. The scope of activity to be reported in the survey includes all activity at the site(s) at which the NHSC scholar is serving.

Evaluation and Selection Process

In order for a site to be eligible for placement of NHSC scholars, it must be approved by the NHSC following the site's submission of a Site Application. Processing of site applications from solo or group practices will involve additional screening, including a site visit by NHSC representatives. The Site Application approval is good for a period of 3 years from the date of approval.

In approving applications for the assignment of Corps members, the Secretary shall give priority to any such application that is made regarding the provision of primary health services to a HPSA with the greatest shortage. For the program year July 1, 2013, through June 30, 2014, HPSAs of greatest shortage for determination of priority for assignment of NHSC scholarship-obligated Corps personnel will be defined as follows: (1) Primary medical care HPSAs with scores of 16 and above are authorized for the assignment of NHSC scholars who are primary care physicians, family nurse practitioners, physician assistants or certified nurse midwives; (2) mental health HPSAs with scores of 16 and above are authorized for the assignment of NHSC scholars who are psychiatrists or mental health nurse practitioners; and (3) dental HPSAs with scores of 16 and above are authorized for the assignment of NHSC scholars who are dentists. The NHSC has determined that a minimum HPSA score of 16 for all service-ready NHSC scholars will enable it to meet its statutory obligation to identify a number of entities eligible for placement at least equal to, but not greater than twice, the number of NHSC scholars available to serve in the 2013–2014 placement cycle.

The number of new NHSC placements through the Scholarship Program allowed at any one site is limited to one of the following provider types: physician (MD/DO), nurse practitioner, physician assistant, certified nurse midwife, or dentist. The NHSC will consider requests for up to two scholar placements at any one site on a case by case basis. Factors that are taken into consideration include community need, as measured by demand for services, patient outcomes, and other similar factors. Sites wishing to request an additional scholar must complete an Additional Scholar Request form available at *http://nhsc.hrsa.gov/downloads/additionalrequestform.pdf*.

NHSC-approved sites that do not meet the authorized threshold HPSA score of 16 may post job openings on the NHSC Jobs Center; however, scholars seeking placement between July 1, 2013, and June 30, 2014, will be advised that they can only compete for open positions at sites that meet the threshold placement HPSA score of 16. While not eligible for scholar placements in 2013–2014, vacancies in HPSAs scoring less than 16 will be used by the NHSC in evaluating the HPSA threshold score for the next scholarship placement cycle.

Application Requests, Dates and Address

The list of HPSAs and entities that are eligible to receive priority for the placement of NHSC scholars may be updated periodically. New entities may be added to the NHSC Jobs Center during a Site Application competition. Likewise, entities that no longer meet eligibility criteria, including those sites whose 3-year approval as an NHSC service site has lapsed or whose HPSA designation has been withdrawn or proposed for withdrawal, will be removed from the priority listing.

Additional Information

Entities wishing to provide additional data and information in support of their inclusion on the proposed list of entities that would receive priority in assignment of scholarship-obligated Corps members, or in support of a higher priority determination, must do so in writing no later than July 25, 2013. This information should be submitted to: Beth Dillon, Director, Division of Regional Operations, Bureau of Clinician Recruitment and Service, 999 18th Street, Denver, CO 80202. This information will be considered in preparing the final list of entities that are receiving priority for the assignment of scholarship-obligated Corps personnel.

The program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR Part 100).

Dated: June 19, 2013.

Mary K. Wakefield,

Administrator.

[FR Doc. 2013–15112 Filed 6–24–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB review; 30-day comment request: NLM PEOPLE LOCATOR® System

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on April 15, 2013, page 22271 and allowed 60-days for public comment. A single comment submission was received which is currently under review for further consideration. The purpose of this notice is to allow an additional 30 days for public comment. The National Library of Medicine (NLM), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: David Sharlip, NLM Project Clearance Liaison, Office of Administrative and Management Analysis Services, OAMAS, NLM, NIH, Building 38A, Room B2N12, 8600 Rockville Pike, Bethesda, MD 20894, or call non-toll-free number (301) 496–5441, or Email your request, including your address to: *sharlipd@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: NLM People Locator System 0925–0612, Expiration *Date:* 06/30/2013, Type of submission: Revision, National Library of Medicine (NLM), National Institutes of Health (NIH).

Need and Use of Information Collection: This collection of data is intended to assist in the reunification of family members and friends who are separated during a disaster. Experience in operational drills and during real-world disasters such as the January 2010 earthquakes in Haiti demonstrates that family members and loved ones are often separated during disasters and have significant difficulty determining each other's safety, condition, and location. Reunification can not only improve their emotional well-being during the recovery period, but also improve the chances that injured victims will be cared for once they are released from urgent medical care. Family and friends are also a valuable source of medical information that may be important to the care of injured victims (e.g., by providing family or personal medical history, information about allergies). The National Library of Medicine (NLM) aims to assist Federal, State and Local agencies in disaster relief efforts and to serve its mission of supporting national efforts to the response to disasters via the PEOPLE LOCATOR® system and related mobile app (ReUnite™) developed as part of the intramural Lost Person Finder (LPF) R&D project. The information collection would support efforts to reunite family and friends who are separated during a disaster. Information about missing (''lost'') people would be collected from family members or loved ones who are searching for them. Information about recovered (''found'') people could be provided by medical personnel, volunteers and other relief workers assisting in the disaster recovery effort. Information collected about missing and recovered persons would vary including any one of the following and possibly all: a photograph, name (if available for a found person), age group (child, adult) and/or range, gender, status (alive and well, injured, deceased, unknown), and location. The information collection would be voluntary. It would be activated only during times of declared emergencies, training and demonstration support activities, and would operate in declared emergencies until relief efforts have ceased in response to a particular disaster. This data collection is authorized pursuant to sections 301, 307, 465 and 478A of the Public Health Service Act [42 U.S.C. 241, 242l, 286 and 286d]. NLM has in its mission the development and coordination of communication technology to improve the delivery of health services.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 7,500.

ESTIMATED ANNUALIZED BURDEN HOURS

Types of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Emergency Care First-Responders, Physicians, Other Health Care Providers	500	100	3/60	2,500
Family members seeking a missing person	50,000	2	3/60	5,000

Dated: June 19, 2013.

David Sharlip,

Project Clearance Liaison, NLM, NIH.

[FR Doc. 2013–15173 Filed 6–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Review Committee.

Date: July 17–18, 2013.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Charles H Washabaugh, Ph.D., Scientific Review Officer, Scientific Review Branch, NIAMS/NIH, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301–594–4952, *washabac@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 18, 2013.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–15063 Filed 6–24–13; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Surgical Sciences, Biomedical Imaging and Bioengineering.

Date: July 11, 2013.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Malgorzata Klosek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7849, Bethesda, MD 20892, (301) 435–2211, *klosekm@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: June 19, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–15062 Filed 6–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Closed 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: Office of Research Infrastructure Programs Special Emphasis Panel; OHSU Special Emphasis Panel.

Date: July 10, 2013.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Barbara J. Nelson, Ph.D., Scientific Review Officer, Office of Grants Management and Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1080, Bethesda, MD 20892–4874, 301–435–0806, *nelsonbj@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Office of Research Infrastructure Programs Special Emphasis Panel; Extramural Research Facilities Improvement Program.

Date: July 23, 2013.

Time: 1:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NCATS, 6701 Democracy Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rahat Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, 6701 Democracy Blvd., Room 1078, Bethesda, MD 20892, 301–594–7319, *khanr2@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: June 19, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–15066 Filed 6–24–13; 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; Small Business: Hematology.
Date: July 15–16, 2013.
Time: 12:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Bukhtiar H Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, 301–806–7314, *shahb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Diseases and Microbiology.
Date: July 18–19, 2013.
Time: 8:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Avenue Hotel Chicago, 160 E. Huron Street, Chicago, IL 60611.
Contact Person: Alexander D Politis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808, Bethesda, MD 20892, (301) 435–1150, *politisa@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: June 18, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–15060 Filed 6–24–13; 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; Translational Research in Diabetes, Obesity and Endocrinology Disorders.
Date: July 23, 2013.
Time: 8:00 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: Nancy Sheard, Sc.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046–E, MSC 7892, Bethesda, MD 20892, 301–408–9901, *sheardn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Digestive Sciences.
Date: July 23–24, 2013.
Time: 8:00 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: Martha Garcia, Ph.D., Scientific Reviewer Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, Bethesda, MD 20892, 301–435–1243, *garciamc@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Physiology and Pathobiology of Cardiovascular and Respiratory.
Date: July 23–24, 2013.
Time: 8:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The St. Regis Hotel, 923 16th & K Streets, Washington, DC 20006.
Contact Person: Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7812, Bethesda, MD 20892, 301–435–2365, *aitouchea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Muscle Related SBIR/STTR.
Date: July 23, 2013.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, 301–496–8551, *ingrahamrh@mail.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: June 19, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–15061 Filed 6–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed 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 on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD P50 Review Meeting.
Date: July 17, 2013
Time: 10:45 a.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Rockville, MD 20850, 301–402–3587, *rayk@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Clinical Trial—Translational Research and Otolaryngology.
Date: July 17, 2013.
Time: 5:00 p.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6120 Executive Blvd.—MSC 7180, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: June 18, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–15064 Filed 6–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel; Therapeutic Gaming.

Date: July 15, 2013.

Time: 11:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David I. Sommers, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892–9606, 301–443–7861, *dsommers@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; ITVC/ITVA Conflicts.

Date: July 19, 2013.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225, *aschulte@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 18, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–15065 Filed 6–24–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2013–0010; OMB No. 1660–0006]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before July 25, 2013.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 1800 South Bell Street, Arlington, VA 20598–3005, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: National Flood Insurance Program Policy Forms.

Type of information collection: Revision of a currently approved information collection.

Form Titles and Numbers: FEMA Form 086–0–1, Flood Insurance Application; FEMA Form 086–0–2, Flood Insurance Cancellation/Nullification Request; FEMA Form 086–0–3, Flood Insurance General Change Endorsement; FEMA Form 086–0–4, V-Zone Risk Factor Rating Form and Instructions; and FEMA Form 086–0–5, Flood Insurance Preferred Risk Policy Application.

Abstract: In order to provide for the availability of policies for flood insurance, policies are marketed through the facilities of licensed insurance agents or brokers in the various States. Applications from agents or brokers are forwarded to FEMA. Upon receipt and examination of the application and required premium, FEMA issues the appropriate Federal flood insurance policy.

Affected Public: Individuals or households; State, local or Tribal Government; Business or other for profit; Not-for-profit institutions; and Farms.

Estimated Number of Respondents: 56,122.

Estimated Total Annual Burden Hours: 8,268.

Estimated Cost: The cost to respondents is $6,500 for engineer or architect services.

Dated: June 18, 2013.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2013–15170 Filed 6–24–13; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0009; OMB No. 1660–0100]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before July 25, 2013.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 1800 South Bell Street, Arlington, VA 20598–3005, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: General Admissions Applications (Long and Short) and Stipend Forms.

Type of Information Collection: Revision of a currently approved collection.

Form Titles and Numbers: FEMA Form 119–25–1, General Admissions Application; FEMA Form 119–25–2, General Admissions Application Short Form; FEMA Form 119–25–5, National Fire Academy Executive Fire Officer Program Application; FEMA Form 119–25–3, Student Stipend Agreement; and FEMA Form 119–25–4, Student Stipend Agreement (Amendment).

Abstract: The National Fire Academy was established to advance the professional development of fire service personnel and other persons engaged in prevention and control activities. The Emergency Management Agency Institute serves as the national focal point for the development and delivery of emergency management training to enhance the capabilities of State, local, and tribal government officials; volunteer organizations; FEMA's disaster workforce; other Federal agencies; and the public and private sectors to minimize the impact of disasters and emergencies on the American public.

Affected Public: Business and other for-profit; not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

Estimated Number of Respondents: 113,100.

Estimated Total Annual Burden Hours: 12,900.

Estimated Cost: There are no recordkeeping, capital, start-up or maintenance costs associated with this information collection.

Dated: June 12, 2013.

Loretta Cassatt,

Acting Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2013–15163 Filed 6–24–13; 8:45 am]

BILLING CODE 9111–72–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: United States-Caribbean Basin Trade Partnership Act

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651–0083.

SUMMARY: U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: United States-Caribbean Basin Trade Partnership Act (CBTPA). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** (78 FR 23280) on April 18, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 25, 2013 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: United States-Caribbean Basin Trade Partnership Act.

OMB Number: 1651–0083.

Form Number: CBP Form 450.

Abstract: The provisions of the United States-Caribbean Basin Trade Partnership Act (CBTPA) were adopted by the U.S. with the enactment of the Trade and Development Act of 2000 (PL. 106–200). The objective of the CBTPA is to expand trade benefits to countries in the Caribbean Basin. For preferential duty treatment under CBTPA, importers are required to have a CBTPA Certificate of Origin (CBP Form 450) in their possession at the time of the claim, and to provide it to

CBP upon request. CBP Form 450 collects data such as contact information for the exporter, importer, and producer, as well as information about the goods being claimed.

This collection of information is provided for by 19 CFR 10.224. CBP Form 450 is accessible at: *http://forms.cbp.gov/pdf/CBP_Form_450.pdf.*

Current Actions: This submission is being made to extend the expiration date and to revise the burden hours as a result of updated estimates of the number of Form 450's that are prepared and/or submitted to CBP. There are no changes to CBP Form 450 or to the data collected on this form.

Type of Review: Extension with a change to the burden hours.

Affected Public: Businesses.

Estimated Number of Respondents: 15.

Estimated Number of Responses per Respondent: 286.13.

Estimated Total Annual Responses: 4,292.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 1,073.

Dated: June 19, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–15086 Filed 6–24–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[CBP Dec. No. 13–11]

Expansion of Global Entry to Additional Airports

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: General notice.

SUMMARY: The Global Entry international trusted traveler program allows pre-approved, low-risk participants expedited entry into the United States using Global Entry kiosks located at designated airports. U.S. Customs and Border Protection (CBP) previously announced in the **Federal Register** twenty-four designated Global Entry airports. This document announces the expansion of the program to include eight additional designated airports.

DATES: Global Entry is already operational at all eight additional airport locations.

FOR FURTHER INFORMATION CONTACT: Larry Panetta, Office of Field Operations, (202) 344–1253, *Larry.Panetta@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Global Entry Program

Global Entry is a voluntary program that allows for the expedited clearance of pre-approved, low-risk travelers arriving in the United States at Global Entry kiosks located at designated airports. The Global Entry final rule, published in the **Federal Register** on February 6, 2012 (77 FR 5681), promulgated the regulation to establish Global Entry as an ongoing regulatory program and contains a detailed description of the program, the eligibility criteria, the application and selection process, and the initial twenty airports. *See* 8 CFR 235.12. Global Entry was expanded to four additional airports in a **Federal Register** notice published on March 26, 2012. (77 FR 17492.) Travelers who wish to participate in Global Entry must apply via the CBP Global Entry Web site, *http://www.globalentry.gov* or through the Global On-Line Enrollment System (GOES) Web site, *https://goes-app.cbp.dhs.gov.* Applications must be completed and submitted electronically.

The twenty-four airports previously designated for Global Entry include:

- John F. Kennedy International Airport, Jamaica, New York (JFK);
- George Bush Intercontinental Airport, Houston, Texas (IAH);
- Washington Dulles International Airport, Sterling, Virginia (IAD);
- Los Angeles International Airport, Los Angeles, California (LAX);
- Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia (ATL);
- Chicago O'Hare International Airport, Chicago, Illinois (ORD);
- Miami International Airport, Miami, Florida (MIA);
- Newark Liberty International Airport, Newark, New Jersey (EWR);
- San Francisco International Airport, San Francisco, California (SFO);
- Orlando International Airport, Orlando, Florida (MCO);
- Detroit Metropolitan Wayne County Airport, Romulus, Michigan (DTW);
- Dallas Fort Worth International Airport, Dallas, Texas (DFW);
- Honolulu International Airport, Honolulu, Hawaii (HNL);
- Boston—Logan International Airport, Boston, Massachusetts (BOS);
- Las Vegas—McCarran International Airport, Las Vegas, Nevada (LAS);
- Sanford—Orlando International Airport, Sanford, Florida (SSB);
- Seattle—Tacoma International Airport-SEATAC, Seattle, Washington (STT);
- Philadelphia International Airport, Philadelphia, Pennsylvania (PHL);
- San Juan—Luis Munos Marin International Airport, San Juan, Puerto Rico (SAJ);
- Ft. Lauderdale Hollywood International Airport, Fort Lauderdale, Florida (FLL), including the General Aviation Facility private aircraft terminal;
- Minneapolis-St. Paul International Airport, Minneapolis, Minnesota (MSP);
- Charlotte Douglas International Airport, Charlotte, North Carolina (CLT);
- Phoenix Sky Harbor International Airport, Phoenix, Arizona (PHX);
- Denver International Airport, Denver, Colorado (DEN).

The preamble to the final rule states that when CBP is ready to expand Global Entry to additional airports and has selected the airports, CBP will publish an announcement in the **Federal Register** and post the information on the Web site *http://www.globalentry.gov.*

Expansion of Global Entry Program to Additional Airports

CBP is expanding the Global Entry program to include the following eight additional airports:

- Baltimore/Washington International Thurgood Marshall Airport, Baltimore, Maryland (BWI);
- John Wayne Airport, Santa Ana, California (SNA);
- Portland International Airport, Portland, Oregon (PDX);
- Raleigh–Durham International Airport, Morrisville, North Carolina (RDU);
- Salt Lake City International Airport, Salt Lake City, Utah (SLC);
- San Antonio International Airport, San Antonio, Texas (SAT);
- San Diego International Airport, San Diego, California (SAN);
- Tampa International Airport, Tampa, Florida (TPA).

Global Entry is now operational at all eight of these airports. A list of all Global Entry airports is posted on the CBP Global Entry Web site at *http://www.globalentry.gov.*

David Murphy,

Acting Assistant Commissioner, Office of Field Operations.

[FR Doc. 2013–15087 Filed 6–24–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–50]

30-Day Notice of Proposed Information Collection: Affirmative Fair Housing Marketing (AFHM) Plan

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: Comments Due Date: July 25, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 10, 2013.

A. Overview of Information Collection

Title of Information Collection: Affirmative Fair Housing Marketing (AFHM) Plan.

OMB Approval Number: 2529–0013.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–935.2A Affirmative Fair Housing Marketing (AFHM) Plan (Multifamily), HUD–935.2B Affirmative Fair Housing Marketing (AFHM) Plan (Single-Family), and HUD–935.2C Affirmative Fair Housing Marketing (AFHM) Plan (Condominiums or Cooperatives).

Description of the need for the information and proposed use: Developers of new projects describe their intent (marketing efforts) to assure that they meet the Fair Housing guidelines in how the project is marketed to the public. HUD uses this information to assess the adequacy of the applicant's proposed actions to carry out the Affirmative Fair Housing Marketing requirements of 24 CFR 200.600 and review compliance with these requirements under 24 CFR part 108, the AFHM Compliance Regulations.

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 25,540, which includes time for initial submission, review of existing plans, and any necessary revision. On an annual basis, there are approximately 4,360 respondents who submit initial plans or updated plans. On an annual basis, an additional 3,720 respondents simply review their existing plans. The frequency of annual response is once, and the average burden hour per response is 6 hours for the initial plan submitted, and 4 hours for review and the updating of an existing plan.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden 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 those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35

Dated: June 19, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–15159 Filed 6–24–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO220000.L63100000.PH0000 0113X]

Renewal of Approved Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-day notice and request for comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to: (1) Continue the collection of information from individuals and entities seeking authorization for free use of mineral or vegetative materials; and (2) use one form for vegetative materials, and a different form for mineral materials. The Office of Management and Budget (OMB) previously approved this information collection activity, and assigned it control number 1004–0001.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before July 25, 2013.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004–0001), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *OIRA_submission@omb.eop.gov.* Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: Jean_Sonneman@blm.gov.

Please indicate ''Attn: 1004–0001'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Mike Bechdolt, at 202–912–7234 (vegetative material); or George Brown, at 202–912–7118 (mineral material),

respectively. Persons who use a telecommunication device for the deaf may call the Federal Information Relay Service at 1–800–877–8339, to leave a message for Mr. Bechdolt or Mr. Brown. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on January 31, 2013 (78 FR 6830), and the comment period ended April 1, 2013. The BLM received no comments.

The BLM now requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1004–0001 in your correspondence. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information is provided for the information collection:

Title: Free Use Application and Permit for Vegetative or Mineral Materials (43 CFR Parts 3600, 3620, and 5510).

OMB Control Number: 1004–0001.

Summary: The Bureau of Land Management (BLM) collects information from respondents for free use permits for vegetative or mineral materials in order to: (1) Determine whether the applicant is eligible for free use; (2) determine whether the vegetative or mineral materials at issue qualify for free use; (3) determine whether free use is consistent with pertinent land use plans and authorities; and (4) monitor the authorized removal and uses of vegetative and mineral materials to ensure sustainable resource management and verify that the actual use is consistent with the authorization. At present, the BLM uses the same form for free use of both vegetative and mineral materials. In this request, the BLM seeks approval to use one form for vegetative materials, and a different form for mineral materials.

Frequency of Collection: On occasion.

Proposed Forms:

- Form 3604–1, Free Use Application and Permit For Mineral Material; and
- Form 5510–1, Free Use Application and Permit for Vegetative Material.

Description of Respondents: Individuals and entities seeking authorization for free use of mineral or vegetative materials.

Estimated Annual Responses: 410 responses and 246 burden hours.

Estimated Annual Non-Hour Costs: None.

The estimated annual burdens of this collection are itemized below:

A. Type of response	B. Number of responses	C. Time per response (minutes)	D. Total hours (column B × column C)
Form 5510–1 Free Use Application and Permit for Vegetative Material (Federal, State, or Local Governments)	83	30	42
Form 5510–1 Free Use Application and Permit for Vegetative Material (Nonprofit Organizations)	83	30	42
Form 5510–1 Free Use Application and Permit for Vegetative Material (Mining Claimants)	84	30	42
Form 3604–1 Free Use Application and Permit for Mineral Material (Federal, State, or Local Governments)	80	45	60
Form 3604–1 Free Use Application and Permit for Mineral Material (Nonprofit Organizations)	80	45	60
Totals	410		246

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2013–15171 Filed 6–24–13; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDI00000–L11200000–PH0000]

Notice of Public Meeting, Idaho Falls District Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Idaho Falls District Resource Advisory Council (RAC), will meet as indicated below.

DATES: The Idaho Falls District RAC will meet in Pocatello, Idaho, August 27–28, 2013 for a two-day meeting at the Pocatello Field Office, 4350 Cliffs Drive, Pocatello, Idaho 83204. The first day

will begin at 9:00 a.m. and adjourn at 5:00 p.m. The second day will begin at 8:00 a.m. and adjourn at 2:00 p.m. Members of the public are invited to attend. A comment period will be held on August 27 following the introductions from 9:00–9:30 a.m. All meetings are open to the public.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in the BLM Idaho Falls District (IFD), which covers eastern Idaho.

Items on the agenda include an overview of the Morgan Bridge Acquisition Proposal, the Pocatello Curlew Deep Creeks Travel Management Plan, the Gateway West Transmission Line Project, and the Phosphate Mining Program.

The Recreation RAC will convene at approximately 9:30 a.m. on August 27 to discuss the proposed Birch Creek Reservation Fee for the Upper Snake Field Office.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below.

FOR FURTHER INFORMATION CONTACT: Sarah Wheeler, RAC Coordinator, Idaho Falls District, 1405 Hollipark Dr., Idaho Falls, ID 83401. Telephone: (208) 524–7550. Email: *sawheeler@blm.gov.*

Dated: June 13, 2013.

Joe Kraayenbrink,

Idaho Falls District Manager.

[FR Doc. 2013–15154 Filed 6–24–13; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–IMR–GUMO–11509; PX.P0166755C.00.1]

General Management Plan, Final Environmental Impact Statement, Guadalupe Mountains National Park, Texas

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of a Final Environmental Impact Statement for the General Management Plan, Guadalupe Mountains National Park, Texas.

DATES: The NPS will execute a Record of Decision no sooner than 30 days following publication in the **Federal Register** by the Environmental Protection Agency of the Notice of Availability of the Final Environmental Impact Statement.

ADDRESSES: Information will be available for public inspection online at *http://parkplanning.nps.gov/gumo,* in the office of the Superintendent, Dennis A. Vásquez, at the Park Headquarters/Pine Springs Visitor Center: 400 Pine Canyon Drive, Salt Flat, TX 79847–4755; telephone (915) 828–3251 ext. 2100.

FOR FURTHER INFORMATION CONTACT: Dennis A. Vásquez, Superintendent, Guadalupe Mountains National Park, HC 60, Box 400, Salt Flat, TX 79847–9400; email address *GUMO_Superintendent@nps.gov;* telephone (915) 828–3251 ext. 2100.

SUPPLEMENTARY INFORMATION: The document describes four management alternatives including a no-action alternative and the NPS preferred alternative. The anticipated environmental impacts of those alternatives are analyzed. The final document also includes responses to substantive comments from the public, from traditionally associated American Indian tribes, and from government agencies.

The no-action alternative would extend existing conditions and management trends into the future. This alternative serves as a basis of comparison for evaluating the action alternatives. *The preferred alternative* would emphasize wilderness values and the restoration of ecosystem processes while expanding some opportunities for visitors to enjoy easier access to park settings than currently exist. Enhanced interpretation would include expansion of visitor facilities and services in the Pine Springs visitor center. New administration facilities and a campground would be constructed, and improved facilities and activities would be provided at other sites throughout the park. *Alternative B* would promote wilderness values and restoration of natural ecosystem processes. Campsites and horse corrals would be closed and their sites revegetated. The limited amount of new construction would primarily support resource protection. Improvements in interpretation would be less extensive than in the preferred alternative. *Alternative C* would expand opportunities for visitors to enjoy a wider range of park settings. New park access and facility improvements would provide activities, interpretation, and visitor gateways to the interior of the park from the south and west, recreation opportunities for more diverse visitor groups, and improved administrative facilities.

Dated: October 30, 2012.

John Wessels,

Regional Director, Intermountain Region, National Park Service.

Editorial Note: This document was received at the Office of the Federal Register on June 11, 2013.

[FR Doc. 2013–14234 Filed 6–24–13; 8:45 am]

BILLING CODE 4312–CB–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–884]

Certain Consumer Electronics With Display and Processing Capabilities; Institution of Investigation Pursuant to United States Code

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 17, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Graphics Properties Holdings, Inc. of New Rochelle, New York. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain consumer electronics with display and processing capabilities by reason of infringement of U.S. Patent No. 6,650,327 (''the '327 patent''); U.S. Patent No. 8,144,158 (''the '158 patent''); and U.S. Patent No. 5,717,881 (''the '881 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. A letter supplementing the complaint was filed on June 7, 2013.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection

during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2012).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on _____ , 2013, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain consumer electronics with display and processing capabilities by reason of infringement of one or more of claims 2, 3, 5–8, and 25–31 of the '327 patent; claims 1, 3, 4, and 6–10 of the '158; and claim 1 of the '881 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Graphics Properties Holdings, Inc., 56 Harrison Street, Suite 203A, New Rochelle, NY 10801–6555.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Panasonic Corporation, 1006 Oaza Kadoma-shi, Kadoma 571–8501, Osaka, Japan.

Panasonic Corporation of North America, 1 Panasonic Way, Secaucus, NJ 07094.

Toshiba Corporation, 1–1, Shibaura 1 Chome, Minato-Ku, Tokyo 105–8001, Japan.

Toshiba America, Inc., 1251 Avenue of the Americas, Suite 4110, New York, NY 10020.

Toshiba America Information Systems, Inc., 9740 Irvine Boulevard, Irvine, CA 92618.

Vizio, Inc., 39 Tesla, Irvine, CA 92618.

AmTran Logistics, Inc., 9 Goddard, Irvine, CA 92618.

AmTran Technology Co., Ltd., 17f, 268, Lien Cheng Road, 23553 New Taipei City, Taiwan.

ZTE Corporation, ZTE Plaza, No. 55, Hi-Tech Road South, Hi-Tech Industrial Park, Shenzhen 518057, Guangdong, China.

ZTE (USA) Inc. (registered agent), 33 Wood Avenue South, Floor 2, Iselin, NJ 08830, and 2425 N. Central Expressway #323, Richardson, TX 75080.

ZTE Solutions, 2425 N. Central Expressway #323, Richardson, TX 75080.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: June 20, 2013.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2013–15103 Filed 6–24–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under Clean Air Act

On June 18, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Columbia in the lawsuit entitled *United States* v. *American Honda Motor Company, Inc.,* Civil Action No. 1:13–cv–912.

In this action the United States seeks, among other things, injunctive relief and civil penalties for the importation by American Honda Motor Company, Inc. (''AHM'') of uncertified small non-road gasoline engines in violation of Section 203(a) of the Clean Air Act (''CAA''), 42 U.S.C. 7522(a). The engines were uncertified because they did not conform to the certificates of conformity issued to cover their importation and sale in the United States, in that they lacked mufflers or air intake boxes. The proposed Consent Decree provides for AHM to pay a $580,000 civil penalty and to address the environmental harm by retiring 55 tons of pollution credits.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *American Honda Motor Company, Inc.,* D.J. Ref. No. 90–5–2–1–10148. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcommentees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined

and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html*. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–15148 Filed 6–24–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On June 19, 2013, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Kansas in the lawsuit entitled *United States et al.* v. *Ash Grove Cement Company,* Civil Action No. 2:13–cv–02299–JTM–DJW.

The proposed consent decree, if approved by the Court, would require Ash Grove Cement Company (''Ash Grove'') to achieve substantial reductions of nitrogen oxides (''NO_X''), sulfur dioxide (''SO_2''), and particulate matter (''PM'') at its nine cement manufacturing plants operating in as many states. The states of Arkansas, Idaho, Kansas, Montana, Nebraska, Oregon, Utah, Washington and the Puget Sound Clean Air Agency are parties to the proposed Decree. To reduce NO_X emissions, the proposed Decree would require Ash Grove to install new, modern pollution controls on nine of the kilns; shut down two old, inefficient kilns; optimize the operation of two relatively small, older kilns; and meet stringent NO_X emission limits. The Decree would also require Ash Grove to meet stringent emission limits to reduce SO_2 emissions and would require modern pollution controls to reduce PM emissions at all eleven kilns that will continue to operate. Finally, the Decree would require Ash Grove to pay $2.5 million in civil penalties and to perform additional projects to replace diesel truck engines with modern, more efficient engines at its plants located in Arkansas, Kansas, and Texas. These truck engine replacements will further reduce NO_X, PM, and ozone emissions.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Ash Grove Cement Co.,* D.J. Ref. No. 90–5–2–1–09875. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General U.S. DOJ—ENRD P.O. Box 7611 Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/ConsentDecrees.html.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $31.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $27.25.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–15067 Filed 6–24–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Announcement Regarding a Change in Eligibility for Unemployment Insurance (UI) Claimants in Alabama, Alaska, Delaware, Illinois, Louisiana, Michigan, Mississippi, Ohio, the Virgin Islands and Wisconsin in the Emergency Unemployment Compensation 2008 (EUC08) Program, and the Federal-State Extended Benefits (EB) Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: Announcement regarding a change in eligibility for Unemployment Insurance (UI) claimants in Alabama, Alaska, Delaware, Illinois, Louisiana, Michigan, Mississippi, Ohio, the Virgin Islands and Wisconsin in the Emergency Unemployment Compensation (EUC08) program, and the Federal-State Extended Benefits (EB) program.

The U.S. Department of Labor (Department) produces trigger notices indicating which states qualify for both EB and EUC08 benefits, and provides the beginning and ending dates of payable periods for each qualifying state. The trigger notices covering state eligibility for these programs can be found at: *http://ows.doleta.gov/unemploy/claims_arch.asp.*

The following changes have occurred since the publication of the last notice regarding states EUC08 and EB trigger status:

- Alabama's trigger value had fallen below the 7.0% threshold and has triggered ''off'' Tier 3 of EUC08.

Based on data released by the Bureau of Labor Statistics on March 18, 2013, the three month average, seasonally adjusted total unemployment rate (TUR) in Alabama was 6.9%, falling below the 7.0% trigger threshold necessary to remain ''on'' Tier 3 of EUC08. The week ending April 13, 2013, was the last week in which EUC08 claimants in Alabama could exhaust Tier 2 and establish Tier 3 eligibility. Under the phase-out provisions, claimants could receive any remaining entitlement they had for Tier 3 after April 13, 2013.

- Alaska's insured unemployment rate (IUR) has fallen below the 6.0% trigger threshold and has triggered ''off'' of EB.

Based on data from Alaska for the week ending April 13, 2013, the 13 week IUR in Alaska fell below the 6.0% trigger threshold necessary to remain ''on'' EB. The payable period in EB for Alaska ended May 4, 2013.

- Alaska's IUR has fallen below the 6.0% trigger threshold and has triggered ''off'' Tier 4 of EUC08.

Based on data from Alaska for the week ending April 13, 2013, the 13 week IUR in Alaska fell below the 6.0% trigger rate threshold to remain ''on'' Tier 4 of EUC08. The week ending May 4, 2013, was the last week in which EUC08 claimants in Alaska could exhaust Tier 3, and establish Tier 4 eligibility. Under the phase-out provisions, claimants could receive any remaining entitlement they had for Tier 4 after May 4, 2013.

- Delaware's trigger value exceeds the 7.0% trigger threshold and has triggered ''on'' Tier 3 of EUC08.

Based on data released by the Bureau of Labor Statistics on March 18, 2013, the three month average, seasonally adjusted TUR in Delaware was 7.1%, exceeding the 7.0% threshold necessary to trigger ''on'' Tier 3 of EUC08. The week beginning April 7, 2013, was the first week in which EUC08 claimants in Delaware who had exhausted Tier 2, and are otherwise eligible, could establish Tier 3 eligibility.

• Illinois' trigger value met the 9.0% trigger threshold and has triggered ''on'' Tier 4 of EUC08.

Based on data released by the Bureau of Labor Statistics on March 29, 2013, the three month average, seasonally adjusted TUR in Illinois met the 9.0% trigger threshold to trigger ''on'' Tier 4 of EUC08. The week beginning April 14, 2013, was the first week in which EUC08 claimants in Illinois who had exhausted Tier 3, and were otherwise eligible, could establish Tier 4 eligibility.

• Louisiana's trigger value has fallen below the 6.0% trigger threshold and has triggered ''off'' Tier 2 of EUC08.

Based on data released by the Bureau of Labor Statistics on March 18, 2013, the three month average, seasonally adjusted TUR in Louisiana was 5.8%, falling below the 6.0% trigger threshold to remain ''on'' Tier 2 of EUC08. The week ending April 13, 2013, was the last week in which EUC08 claimants in Louisiana could exhaust Tier 1, and establish Tier 2 eligibility. Under the phase-out provisions, claimants could receive any remaining entitlement they had in Tier 2 after April 13, 2013.

• Michigan's trigger value has fallen below the 9.0% trigger threshold and has triggered ''off'' Tier 4 of EUC08.

Based on data released by the Bureau of Labor Statistics on March 18, 2013, the three month average, seasonally adjusted TUR for Michigan was 8.9%, falling below the 9.0% trigger threshold to remain ''on'' Tier 4 of EUC08. The week ending April 13, 2013, was the last week in which EUC08 claimants in Michigan could exhaust Tier 3, and establish Tier 4 eligibility. Under the phase-out provisions, claimants could receive any remaining entitlement they had in Tier 4 after April 13, 2013.

• Mississippi's trigger value exceeds the 9.0% trigger threshold and has triggered ''on'' Tier 4 of EUC08.

Based on data released by the Bureau of Labor Statistics on March 29, 2013, the three month average, seasonally adjusted TUR in Mississippi was 9.3%, exceeding the 9.0% trigger threshold to trigger ''on'' Tier 4 of EUC08. The week beginning April 14, 2013, was the first week in which EUC08 claimants in Mississippi who had exhausted Tier 3, and are otherwise eligible, could establish Tier 4 eligibility.

• Ohio's trigger value met the 7.0% trigger threshold and has triggered ''on'' Tier 3 of EUC08.

Based on data released by the Bureau of Labor Statistics on April 19, 2013, the three month average, seasonally adjusted total unemployment rate in Ohio had met 7.0% trigger threshold to trigger ''on'' in Tier 3 of EUC08. The week beginning May 5, 2013, was the first week in which EUC08 claimants in Ohio who had exhausted Tier 2, and were otherwise eligible, could establish Tier 3 eligibility.

• The Virgin Islands' estimated trigger rate fell below the 6.0% threshold and has triggered ''off'' both Tier 2 and Tier 3 of EUC08.

Based on data released by the Bureau of Labor Statistics on March 8, 2013, the estimated three month average, seasonally adjusted TUR in the Virgin Islands fell below the 6.0% trigger threshold rate to remain ''on'' both Tier 2 and Tier 3 of EUC08. That triggered the Virgin Islands off both Tier 2 and Tier 3 of EUC08. The week ending March, 30 2013, was the last week in which EUC08 claimants in the Virgin Islands could exhaust Tier 1 and establish Tier 2 eligibility, or exhaust Tier 2 and establish Tier 3 eligibility.

• Wisconsin's trigger value met the 7.0% threshold and has triggered ''on'' Tier 3 of EUC08, however mandatory 13 week ''off'' period delayed effective date.

Based on data released by the Bureau of Labor Statistics on April 19, 2013, the three month average, seasonally adjusted TUR for Wisconsin has met the 7.0% trigger rate threshold to trigger ''on'' Tier 3 of EUC08. However, Wisconsin was in a 13 week mandatory ''off'' period that started February 9, 2013, and did not conclude until May 11, 2013. As a result, Wisconsin remained in an ''off'' period for Tier 3 of EUC08 through May 11, 2013, and triggered ''on'' Tier 3 of EUC08 effective May 12, 2013. The week beginning May 12, 2013, was the first week in which EUC08 claimants in Wisconsin who have exhausted Tier 2, and are otherwise eligible, can establish Tier 3 eligibility.

Information for Claimants

The duration of benefits payable in the EUC08 program, and the terms and conditions under which they are payable, are governed by Public Laws 110–252, 110–449, 111–5, 111–92, 111–118, 111–144, 111–157, 111–205, 111–312, 112–96, and 112–240, and the operating instructions issued to the states by the Department. The duration of benefits payable in the EB program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the Department.

In the case of a state beginning or concluding a payable period in EB or EUC08, the State Workforce Agency (SWA) will furnish a written notice of any change in potential entitlement to each individual who could establish, or had established, eligibility for benefits (20 CFR 615.13 (c)(1) and (c)(4)). Persons who believe they may be entitled to benefits in the EB or EUC08 programs, or who wish to inquire about their rights under these programs, should contact their SWA.

FOR FURTHER INFORMATION CONTACT: Tony Sznoluch, U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW., Frances Perkins Bldg. Room S–4524, Washington, DC 20210, telephone number (202) 693–3176 (this is not a toll-free number) or by email: *sznoluch.anatoli@dol.gov.*

Signed in Washington, DC, this 17th day of June 2013.

Gerri Fiala,

Acting Assistant Secretary for Employment and Training .

[FR Doc. 2013–15105 Filed 6–24–13; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

International Labor Comparisons

ACTION: Notice.

SUMMARY: The International Labor Comparisons (ILC) program adjusted foreign data to a common framework of concepts, definitions, and classifications to facilitate data comparisons between the United States and other countries. ILC data were used to assess United States economic performance relative to other countries, as well as to evaluate the competitive position of the United States in international markets.

On March 1, 2013, President Obama ordered into effect the across-the-board spending cuts (commonly referred to as sequestration) required by the Balanced Budget and Emergency Deficit Control Act, as amended. In order to achieve these budget cuts and protect core programs, The Bureau of Labor Statistics is eliminating the International Labor Comparisons program. Subject to BLS

policies and procedures, the underlying data and the methodology used to produce the data will be available upon request.

ADDRESSES: Send inquiries to John Ruser, Office of Productivity and Technology, Bureau of Labor Statistics, Room 2120, 2 Massachusetts Avenue NE., Washington, DC 20212 or by email to: *ruser.john@bls.gov.*

FOR FURTHER INFORMATION CONTACT: John Ruser, Office of Productivity and Technology, Bureau of Labor Statistics, telephone number 202–691–6304 (this is not a toll free number), or by email at *ruser.john@bls.gov.*

Signed at Washington, DC, this 19th day of June 2013.

Eric Molina,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2013–15119 Filed 6–24–13; 8:45 am]

BILLING CODE 4510–24–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

Amended Notice

On June 14, 2013, the Legal Services Corporation (''LSC'' or ''Corporation'') issued a public announcement that the Institutional Advancement Committee will meet telephonically on June 25, 2013, at 4:00 p.m., Eastern Daylight Time (''EDT''). This announcement was published in the **Federal Register** on June 18, 2013, at 78 FR 36602. This announcement amends the June 14th public announcement, as published in the **Federal Register** on June 18th, as to the time and date of the meeting. The Institutional Advancement Committee meeting will be held on June 27, 2013 at 10:00 a.m., EDT. There are no other changes to the notice.

DATE AND TIME: LSC's Institutional Advancement Committee will meet telephonically on June 27, 2013. The meeting will commence at 10:00 a.m., EDT, and will continue until the conclusion of the Committee's agenda.

LOCATION: John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW., Washington DC 20007.

PUBLIC OBSERVATION: Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348
- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the presiding Chair may solicit comments from the public.

STATUS OF MEETING: Open, except that, upon a vote of the Board of Directors, the meeting may be closed to the public to discuss prospective funders for LSC's 40th anniversary celebration and development activities and LSC's 40th anniversary celebration planning.

A verbatim transcript will be made of the closed session meeting of the Institutional Advancement Committee. The transcript of any portion of the closed session falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) and (9), will not be available for public inspection. A copy of the General Counsel's Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Open

1. Approval of agenda
2. Consider and act on fundraising policies
3. Public comment
4. Consider and act on other business
5. Consider and act on adjournment of meeting

Closed

6. Discussion of prospective funders for LSC's 40th anniversary celebration and development activities
7. Discussion of LSC's 40th anniversary celebration planning
8. Consider and act on adjournment of meeting

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

ACCESSIBILITY: LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals who need other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: June 21, 2013.

Atitaya C. Rok,

Staff Attorney.

[FR Doc. 2013–15338 Filed 6–21–13; 4:15 pm]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 13–069]

NASA Advisory Council; Aeronautics Committee; Unmanned Aircraft Systems Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the Unmanned Aircraft Systems (UAS) Subcommittee of the Aeronautics Committee of the NASA Advisory Council. The meeting will be held for the purpose of soliciting, from the aeronautics community and other persons, research and technical information relevant to program planning.

DATES: Thursday, July 18, 2013, 8:00 a.m. to 5:00 p.m.; and Friday July 19, 2013, 8:00 a.m. to 1:00 p.m., Local Time.

ADDRESSES: National Aeronautics and Space Administration Headquarters, Room 6E40, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Brenda L. Mulac, Executive Secretary for the UAS Subcommittee of the Aeronautics Committee, National Aeronautics and Space Administration Headquarters, Washington, DC 20546, (202) 358–1578, or *brenda.l.mulac@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. Any person interested in participating in the meeting by WebEx and telephone should contact Ms. Brenda L. Mulac at (202) 358–1578 for the web link, toll-free number and passcode. The agenda for the meeting includes the following topics:

• Review of NASA Unmanned Aircraft System (UAS) Integration into the National Airspace System (NAS) Phase 2 Activity Selection

• Discussion on Research Efforts on Autonomy

• Discussion on Final Recommendations Towards Future/Follow On Projects

It is imperative that these meetings be held on this date to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid photo ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Brenda L. Mulac at fax 202–358–3602. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Ms. Brenda L. Mulac at fax 202–358–3602 or email at *brenda.l.mulac@nasa.gov*. For questions, please call Ms. Brenda L. Mulac at 202–358–1578.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–15037 Filed 6–24–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–13–0030]

National Industrial Security Program Policy Advisory Committee (NISPPAC)

AGENCY: National Archives and Records Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101–6, announcement is made for the following committee meeting to discuss National Industrial Security Program policy matters.

DATES: The meeting will be held on July 17, 2013 from 10:00 a.m. to 12:00 p.m.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue NW., Archivist's Reception Room, Room 105, Washington, DC 20408.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than Friday, July 12, 2013. ISOO will provide additional instructions for gaining access to the location of the meeting.

FOR FURTHER INFORMATION CONTACT: David O. Best, Senior Program Analyst, ISOO, National Archives Building, 700 Pennsylvania Avenue NW., Washington, DC 20408, telephone number (202) 357–5123, or at *david.best@nara.gov*. Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov*.

Dated: June 19, 2013.

Patrice Little Murray,

Acting Committee Management Officer.

[FR Doc. 2013–15157 Filed 6–24–13; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

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 1266 and two 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 may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

Comments: 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; or (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 295, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* 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. 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).

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 January 8, 2013, at 78 FR 1266. We received two comments, to which we here respond.

The first comment came from the Bureau of Economic Analysis (BEA). They expressed general support for the survey and requested several additional data elements to be considered for future collection. NSF is in regular contact with BEA about their data needs and the feasibility of adding questions to the HERD or FFRDC Surveys to address these needs. As always, there is a need to balance the burden on the respondents with requesting new data

that will be of limited use to the general public. In recent years NSF has added several items requested by BEA to the questionnaire, where the additional detail posed no significant increase in burden for the institutions. NSF will continue to consider additional items in future years while still prioritizing respondent burden. There are no plans to incorporate these data items on the HERD or FFRDC Surveys for FY 2013.

The second comment came from the University of Rochester. They requested consideration for a modification to the survey to collect headcounts of principal investigators by academic discipline in order to allow more detailed benchmarking across academic institutions. NSF agrees this level of detail would be useful to academic institutions, and attempted to collect the personnel counts by department during the pre-testing phase of the HERD redesign. Unfortunately the effort was deemed too burdensome in addition to the other items being newly requested on the FY 2010 HERD Survey. Now that respondents have seen an overall reduction in burden for the HERD Survey, NSF will consider testing the personnel question by academic discipline during this clearance period. However, this effort will need to follow the completion of NCSES's ongoing effort to harmonize the academic disciplines across the NSF surveys. Once the fields are standardized across the surveys, the HERD Survey will need to make changes to the taxonomy of its R&D fields. After this taxonomy revision is completed, the personnel question can be revisited and revised to include totals by field if the testing proves successful.

Title: Higher Education Research and Development Survey.

OMB Approval Number: 3145–0100.

Overview of This Information Collection

The Higher Education Research and Development Survey (formerly known as the Survey of Research and Development Expenditures at Universities and Colleges) originated in fiscal year (FY) 1954 and has been conducted annually since FY 1972. The survey is the academic research and development component of the NSF statistical program that seeks to provide a ''central clearinghouse for the collection, interpretation, and analysis of data on the availability of, and the current and projected need for, scientific and technical resources in the United States, and to provide a source of information for policy formulation by other agencies of the federal government,'' as mandated by the America COMPETES Reauthorization Act of 2010 § 505, codified in the National Science Foundation Act of 1950, as amended. In recent years, NSF redesigned and expanded the survey to better reflect the current state of academic R&D. The redesigned survey was renamed the Higher Education R&D Survey and pilot-tested with a random sample of 40 institutions during the FY 2009 survey cycle. The revised survey began for all institutions with the FY 2010 cycle.

Use of the Information: The proposed project will continue the annual survey cycle for three years. The FY 2013 Higher Education R&D Survey will be administered to an expected minimum of 660 institutions. In addition, a shorter version of the survey asking for R&D expenditures by source of funding and broad field will be sent to approximately 325 institutions spending under $1 million on R&D in their previous fiscal year. Finally, a survey requesting R&D expenditures by source of funds, cost categories (salaries, indirect costs, equipment, etc.), and character of work (basic research, applied research, or development) will be administered to the 39 Federally Funded Research and Development Centers.

The Higher Education R&D Survey will provide continuity of statistics on R&D expenditures by source of funding and field of research, with separate data requested on current fund expenditures for research equipment by field. Further breakdowns are collected on funds passed through to subrecipients and funds received as a subrecipient, and on R&D expenditures by field from specific federal agency sources. As of FY 2010, the survey also requests total R&D expenditures funded from foreign sources, R&D within an institution's medical school, clinical trial expenditures, R&D by type of funding mechanism (contracts vs. grants), R&D funded by the American Recovery and Reinvestment Act of 2009, and R&D by cost category (salaries, equipment, software, etc.). The survey also requests headcounts of principal investigators and other personnel paid from R&D funds, as well as a separate count of postdocs working on R&D.

Data are published in NSF's annual publication series *Higher Education Research and Development* and are available electronically on the World Wide Web. The survey is a fully automated Web data collection effort and is handled primarily by administrators in university sponsored programs and accounting offices. To minimize burden, institutions are provided with an abundance of guidance and resources on the Web, and are able to respond via a downloadable excel spreadsheet if desired. Each institution's record is preloaded with the 2 previous years of comparable data that facilitate editing and trend checking. Response to this voluntary survey has exceeded 95 percent each year.

The average burden report for the FY 2011 survey was 50 hours for institutions reporting over $1 million in R&D expenditures and 14 hours for those reporting less than $1 million. The burden estimate for the FFRDC survey is 6 hours.

Dated: June 20, 2013.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2013–15116 Filed 6–24–13; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0134]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

Background

Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from May 30, 2013 to June 12, 2013. The last biweekly notice was published on June 11, 2013 (78 FR 35058).

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0134. Address questions about NRC dockets to Carol

Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0134 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly-available, by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0134.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. Documents may be viewed in ADAMS by performing a search on the document date and docket number.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0134 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Section 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The

petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North,

11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the following three factors in 10 CFR 2.309(c)(1): (i) The information upon which the filing is based was not previously available; (ii) the information upon which the filing is based is materially different from information previously available; and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov.

Dominion Nuclear Connecticut, Inc., Docket No. 50–423, Millstone Power Station, Unit 3 (MPS–3), New London County, Connecticut

Date of amendment request: April 25, 2013.

Description of amendment request: The amendments would revise the peak calculated containment internal pressure (P_a) for the design basis loss of coolant accident (LOCA) described in Technical Specification (TS) 6.8.4.f, ''Containment Leakage Rate Testing Program'' for MPS–3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to P_a does not alter the assumed initiators to any analyzed event. The probability of an accident previously evaluated will not be significantly increased by this proposed change.

The change in P_a will not affect radiological dose consequence analyses. MPS–3 radiological dose consequence analyses assume a certain containment atmosphere leak rate based on the maximum allowable containment leakage rate, which is not affected by the change in peak calculated containment internal pressure. The Appendix J containment leakage rate testing program will continue to ensure that containment leakage remains within the leakage assumed in the offsite dose consequence analyses. The consequences of an accident previously evaluated will not be significantly increased by this proposed change.

Therefore, operation of the facility in accordance with the proposed change to P_a will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change provides a higher P_a than currently described in TS 6.8.4.f. This change is a result of an increase in the M&E [mass and energy] release input for the LOCA containment response analysis. The [P_a] remains below the containment design pressure of 45 psig [pounds per square inch gauge]. This change does not involve any alteration in the plant configuration (no new or different type of equipment will be installed) or make changes in the methods governing normal plant operation. The change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, operation of the facility in accordance with the proposed change to TS 6.8.4.f would not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The [P_a] remains below the containment design pressure of 45 psig. Since the MPS3 radiological consequence analyses are based on the maximum allowable containment leakage rate, which is not being revised, the change in the [P_a] does not represent a significant change in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

Acting NRC Branch Chief: Robert Beall.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: April 16, 2013.

Description of amendment request: The proposed amendments would remove superseded Technical Specification (TS) requirements McGuire Nuclear Station (MNS), Units 1 and 2. By letter dated May 28, 2010, Duke Energy submitted a license amendment request (LAR) to modify TS to allow the manual operation of the Containment Spray System in lieu of automatic actuation, and revise the minimum volume and low level setpoint on the Refueling Water Storage Tank. Because the associated modifications were implemented on a staggered basis for each MNS Unit during refueling outages, the deletion or modification of these TS requirements was accomplished via the use of temporary footnotes. This allowed the

requirements to be either applicable or non-applicable, depending upon whether the modifications had not been implemented or implemented, respectively. The LAR contained a commitment for MNS to submit a follow-up administrative license amendment request to delete the superseded temporary TS requirements within 180 days of the installation of the associated modifications for the final MNS Unit. By letter dated September 12, 2011, the NRC issued amendments regarding the TS changes requested in the May 28, 2010 LAR. Installation of the associated modifications on the final MNS Unit was completed on October 18, 2012. This LAR satisfies the MNS commitment to delete the superseded temporary TS requirements described in the May 28, 2010 LAR. In addition, this LAR makes an administrative non-technical editorial correction by relocating NOTE 1 on TS page 3.3.2–15 to TS page 3.3.2–14. Relocating NOTE 1 back to TS page 3.3.2–14 is consistent with the reference to this NOTE in TS Table 3.3.2–1, Engineered Safety Feature Actuation System (ESFAS) Instrumentation, Function 9, Containment Pressure Control System.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1:

Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This LAR proposes administrative non-technical changes only. These proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configurations of the facility. The proposed changes do not alter or prevent the ability of structures, systems and components (SSCs) to perform their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits.

Given the above discussion, it is concluded the proposed amendment does not significantly increase the probability or consequences of an accident previously evaluated.

Criterion 2:

Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This LAR proposes administrative non-technical changes only. The proposed changes will not alter the design requirements of any SSC or its function during accident conditions. No new or different accidents result from the changes proposed. The changes do not involve a physical alteration of the plant or any changes in methods governing normal plant operation. The changes do not alter assumptions made in the safety analysis.

Given the above discussion, it is concluded the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3:

Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

This LAR proposes administrative non-technical changes only. The proposed changes do not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis. The proposed changes do not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

Given the above discussion, it is concluded the proposed amendment does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Robert J. Pascarelli.

Entergy Nuclear Operations, Inc., Docket No. 50–247, Indian Point Nuclear Generating Unit 2, Westchester County, New York

Date of amendment request: April 15, 2013.

Description of amendment request: The proposed change would revise Technical Specification 3.5.4, ''Refueling Water Storage Tank (RWST)'' such that the non-seismically qualified piping of the temporary Boric Acid Recovery System (BARS) may be connected to the seismic piping of the RWST. Operation of the BARS from the RWST will be under administrative controls for a limited period of time (i.e., 30 days for RWST filtration prior to each fuel cycle). This change will only be applicable until Refueling Outage R22 ends (Spring 2016).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The use of the non seismic Boric Acid Recovery System (BARS) to recirculate and filter the Refueling Water Storage Tank (RWST) water does not involve any changes or create any new interfaces with the reactor coolant system or main steam system piping. Therefore, the connection of the BARS Purification Loop to the RWST would not affect the probability of these accidents occurring. The BARS is not credited for safe shutdown of the plant or accident mitigation. Administrative controls ensure that the BARS can be isolated as necessary and in sufficient time to assure that the RWST volume will be adequate to perform the safety function as designed. Since the RWST will continue to perform its safety function and overall system performance is not affected, the consequences of the accident are not increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The design of the RWST and the SFP [spent fuel pool] Purification Loop has been revised to allow recirculation and purification using the BARS for a short period of time (not to exceed 30 days per fuel cycle) for the next two fuel cycles. The added BARS takes RWST water in and processes it out without additional connections that could affect other systems and without an impact from its installation. Procedures for the operation of the plant, including BARs, will not create the possibility of a new or different type of accident. Contingent upon manual operator action, a BARS line break will not result in a loss of the RWST safety function. Similarly, an active or passive failure in the BARS will not affect safety related structures, systems or components.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The SFP Purification Loop and recirculation and purification of the RWST water using the BARS is not credited for safe shutdown of the plant or accident mitigation. RWST volume will be maximized prior to purification and timely operator action can be taken to isolate the non seismic system from the RWST to assure it can perform its function. This will result in no significant reduction in the margin of safety.

Therefore the proposed change does not significantly reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this

review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

Acting NRC Branch Chief: Sean Meighan.

National Institute of Standards and Technology (NIST), Docket No. 50–184, Center for Neutron Research (NBSR), Montgomery County, Maryland

Date of amendment request: July 12, 2012, as supplemented on May 14, 2013.

Description of amendment request: The proposed amendments would revise NIST NBSR's Technical specifications, Sections 3.7, 4.7, and 6.8, pertaining to the environmental monitoring requirements and records retention which clarifies environmental sampling procedure and record retention processes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment corrects a deficiency in the license issued in 2009 that created a disagreement in the periodicity of environmental sampling within the license Technical Specifications. Additionally, the proposed amendment aligns the record retention requirement (section 6.8) of the license technical specifications with the consensus standard ANSI/ANS 15.1. This standard has been endorsed by the NRC under Regulatory Guide 2.2. Neither of these proposed changes will have any influence or impact on reactor operations or previously analyzed accidents. There are no physical changes to the facility as a result of these administrative changes.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No accident of any kind would be created by the proposed administrative changes. The sample periodicity will not change from the sampling periodicity used by the facility for over 40 years. Records are maintained and summarized in facility annual reports and there would be no loss of information. There are no physical changes to the facility as a result of these administrative changes.

Therefore, the changes would not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Plant safety margins are established through limiting conditions of operation, limiting safety system settings, and safety limits specified in the Technical Specifications. The proposed changes do not alter any of the established safety margins and are administrative in nature.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Melissa J. Lieberman, Deputy Chief Counsel for NIST, National Institute of Standard and Technology, 100 Bureau Drive, Gaithersburg, MD 20899.

NRC Branch Chief: Alexander Adams, Jr.

South Carolina Electric and Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: April 2, 2013, as supplemented by a letter dated May 16, 2013.

Description of amendment request: The proposed amendments would revise the technical specification requirements regarding steam generator tube inspection and reporting as described in Technical Specification Task Force (TSTF)-510, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection,'' Revision 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Steam Generator (SG) Program to modify the frequency of verification of SG tube integrity and SG tube sample selection. A steam generator tube rupture (SGTR) event is one of the design basis accidents that are analyzed as part of a plant's licensing basis. The proposed SG tube inspection frequency and sample selection criteria will continue to ensure that the SG tubes are inspected such that the probability of a SGTR is not increased. The consequences of a SGTR are bounded by the conservative assumptions in the design basis accident analysis. The proposed change will not cause the consequences of a SGTR to exceed those assumptions.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to the Steam Generator Program will not introduce any adverse changes to the plant design basis or postulated accidents resulting from potential tube degradation. The proposed change does not affect the design of the SGs or their method of operation. In addition, the proposed change does not impact any other plant system or component.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The SG tubes in pressurized water reactors are an integral part of the reactor coolant pressure boundary and, as such, are relied upon to maintain the primary system's pressure and inventory. As part of the reactor coolant pressure boundary, the SG tubes are unique in that they are also relied upon as a heat transfer surface between the primary and secondary systems such that residual heat can be removed from the primary system. In addition, the SG tubes also isolate the radioactive fission products in the primary coolant from the secondary system. In summary, the safety function of a SG is maintained by ensuring the integrity of its tubes.

Steam generator tube integrity is a function of the design, environment, and the physical condition of the tube. The proposed change does not affect tube design or operating environment. The proposed change will continue to require monitoring of the physical condition of the SG tubes such that there will not be a reduction in the margin of safety compared to the current requirements.

Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Hagood Hamilton, Jr., South Carolina Electric &

Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Robert J. Pascarelli.

South Carolina Electric and Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: April 3, 2013.

Description of amendment request: The proposed amendment would allow for the extension of the frequency of the containment leak rate test per Technical Specification 6.8.4(g) from 130-months (10.9 years) to 15 years.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed exemption involves a permanent 15-year extension to the current interval for Type A containment testing. The current test interval of 130 months (10.9 years) would be extended to a permanent 15-year frequency from the last Type A test. The proposed extension does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The containment is designed to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the reactor containment itself and the testing requirements invoked to periodically demonstrate the integrity of the reactor containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve the prevention or identification of any precursors of an accident. Therefore, this proposed extension does not involve a significant increase in the probability of an accident previously evaluated nor does it create the possibility of a new or different kind of accident.

The integrity of the reactor containment is subject to two types of failure mechanisms which can be categorized as (1) activity based and (2) time based. Activity based failure mechanisms are defined as degradation due to system and/or component modifications or maintenance. Local leak rate test requirements and administrative controls such as configuration management and procedural requirements for system restoration ensure that containment integrity is not degraded by plant modifications or maintenance activities. The design and construction requirements of the containment itself combined with the containment inspections performed in accordance with ASME, Section XI, the Maintenance Rule, and Licensing commitments serve to provide a high degree of assurance that the containment will not degrade in a manner that is detectable only by a Type A test.

Based on the above, the proposed extension does not involve a significant increase in the consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed revision to the TS involves a 15-year permanent extension to the current interval for Type A containment testing. The reactor containment and the testing requirements invoked to periodically demonstrate the integrity of the reactor containment exist to ensure the plant's ability to mitigate the consequences of an accident and do not involve the prevention or identification of any precursors of an accident. The proposed TS change does not involve a physical change to the plant or the manner in which the plant is operated or controlled.

Therefore, the proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change to the TS involves a 15-year permanent extension to the current interval for Type A containment testing. The proposed TS change does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The specific requirements and conditions of the Primary Containment Leak Rate Testing Program, as defined in the TS, exist to ensure that the degree of reactor containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by TS is maintained. The proposed change involves only the extension of the interval between Type A containment leak rate tests. The proposed surveillance interval extension is bounded by the 15-year permanent extension currently authorized within NEI 94–01, Revision 3–A. Type B and C containment leak rate tests will continue to be performed at the frequency currently required by TS. Industry experience supports the conclusion that Type B and C testing detects a large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is small. The containment inspections performed in accordance with ASME, Section Xl and the Maintenance Rule serve to provide a high degree of assurance that the containment will not degrade in a manner that is detectable only by Type A testing.

The combination of these factors ensures that the margin of safety that is in plant safety analysis is maintained. The design, operation, testing methods and acceptance criteria for Type A, B, and C containment leakage tests specified in applicable codes and standards will continue to be met, with the acceptance of this proposed change, since these are not affected by changes to the Type A test interval. Therefore, the proposed TS change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Hagood Hamilton, Jr., South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Robert J. Pascarelli.

Southern Nuclear Operating Company Docket Nos.: 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of amendment request: May 10, 2013.

Description of amendment request: The proposed change would amend Combined Licenses Nos.: NPF–91 and NPF–92 for Vogtle Electric Generating Plant (VEGP) Units 3 and 4 by departing from VEGP Units 3 and 4 Updated Final Safety Analysis Report (UFSAR) Tier 2* material by revising reference document APP–OCS–GEH–520, ''AP1000 Plant Startup Human Factors Engineering Design Verification Plan,'' from Revision B to Revision 1. APP–OCS–GEH–520 is incorporated by reference in the Updated Final Safety Analysis Report (UFSAR) as a means to implement the activities associated with the human factors engineering verification and validation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The APP–OCS–GEH–520, document confirms aspects of the human system interface (HSI) and Operation and Control Centers Systems (OCS) design features that could not be evaluated in other Human Factors Engineering (HFE) verification and validation (V&V) activities. It also confirms that the as-built in the plant HSIs, procedures, and training conform to the design that resulted from the HFE program. Additionally, it confirms that all HFE-related issues (including human error discrepancies (HEDs)) documented in the SmartPlant Foundation (SPF) Human Factors (HF)

Tracking System are verified as adequately addressed or resolved. Finally, it confirms the HFE adequacy for risk-important human actions in the local plant, including the ability for the tasks to be completed within the time window according to the Probabilistic Risk Assessment (PRA). The changes to the plan are to clarify the scope and amend the details of the methodology. The plan does not affect the plant itself. Changing the plan does not affect prevention and mitigation of abnormal events, e.g., accidents, anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses. The PRA is not affected. No safety-related Structure, System, or Component (SSC) or function is adversely affected. The document revision change does not involve nor interface with any SSC accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the Updated Final Safety Analysis Report (UFSAR) are not affected. Because the changes to the plan do not involve any safety-related SSC or function used to mitigate an accident, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, there is no significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

APP–OCS–GEH–520, ''AP1000 Plant Startup Human Factors Engineering Design Verification Plan'' is the plan to confirm aspects of the HSI and OCS design features that could not be evaluated in other HFE V&V activities. The plan also confirms that the as-built in the plant HSIs, procedures, and training conform to the design that resulted from the HFE program. Additionally, it confirms that all HFE-related issues (including HEDs) documented in the SPF HF Tracking System are verified as adequately addressed or resolved. Finally, it confirms the HFE adequacy for risk-important human actions in the local plant, including the ability for the tasks to be completed within the time window according to the PRA. These functions support evaluating the HSI and OCS. Therefore, the changes do not affect the safety-related equipment itself, nor do they affect equipment which, if it failed, could initiate an accident or a failure of a fission product barrier. No analysis is adversely affected. No system or design function or equipment qualification will be adversely affected by the changes. This activity will not allow for a new fission product release path, nor will it result in a new fission product barrier failure mode, nor create a new sequence of events that would result in significant fuel cladding failures. In addition, the changes do not result in a new failure mode, malfunction or sequence of events that could affect safety or safety-related equipment.

Therefore, this activity does not create the possibility of a new or different kind of accident than any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

APP–OCS–GEH–520, ''AP1000 Plant Startup Human Factors Engineering Design Verification Plan'' is the plan to confirm aspects of the HSI and OCS design features that could not be evaluated in other HFE V&V activities. The plan also confirms that the as-built in the plant HSIs, procedures, and training conform to the design that resulted from the HFE program. Additionally, it confirms that all HFE-related issues (including HEDs) documented in the SPF HF Tracking System are verified as adequately addressed or resolved. Finally, it confirms the HFE adequacy for risk-important human actions in the local plant, including the ability for the tasks to be completed within the time windows in the PRA. These functions support evaluating the HSI and OCS. The proposed changes to the plan do not affect the design or operation of safety-related equipment or equipment whose failure could initiate an accident, nor does the plan adversely affect the interfaces with safety-related equipment or fission product barriers. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested changes.

Therefore, the changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Blach & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

Acting NRC Branch Chief: Lawrence Burkhart.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: April 25, 2013.

Description of amendment request: The amendments would revise Technical Specification (TS) 5.1, ''Site,'' Figures 5.1–1 through 5.1–4 for South Texas Project (STP), Units 1 and 2, to remove identification of a Visitor's Center building, which has been demolished. The amendments also would revise Figures 5.1–1, 5.1–3, and 5.1–4 to remove references to the Emergency Operations Facility (EOF) within the Nuclear Training Facility, since the EOF was relocated to Center of Energy Development building located in Bay City, Texas, approximately 12.5 air miles from the plant site in 2009. The EOF was relocated offsite with an emergency plan change made by the licensee under 10 CFR 50.54(q), ''Emergency plans,'' by concluding that the change did not represent a decrease in effectiveness of the emergency plan. The amendments to remove references to the Visitor's Center Building and EOF from the TSs are administrative in nature.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is an administrative change to STP TS design features to remove reference to the Visitor's Center and onsite EOF. The design function of structures, systems and components (SSC) important to safety are not impacted by the proposed change. The proposed change will not initiate an event. The proposed change does not alter or prevent the ability of SSCs from performing their intended function to mitigate the consequences of an initiating event.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change is an administrative change to STP TS design features to remove reference to the Visitor's Center and onsite EOF. The proposed change does not impact create the possibility of a new or different kind of accident from any accident previously evaluated. There are no new failure modes or mechanisms associated with the proposed change. This change does not involve any modification in operational limits or physical design of equipment important to safety.

Therefore, the proposed change does not involve a different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is an administrative change to STP TS design features to remove reference to the Visitor's Center and onsite EOF. The proposed change does not impact TS safety limits, TS limiting safety system set points, or the results of any of the safety analyses.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that

the request for amendments involves no significant hazards consideration.

Attorney for licensee: A. H. Gutterman, Esq., Morgan, Lewis & Bockius, 1111 Pennsylvania Avenue NW., Washington, DC 20004.

NRC Branch Chief: Michael T. Markley.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant (WBN), Unit 1, Rhea County, Tennessee

Date of amendment request: May 22, 2013.

Brief description of amendment request: The proposed amendment would revise the WBN Unit 1 Technical Specifications (TSs) to allow a one-time extension to the Completion Time for TS Limiting Condition for Operation (LCO) 3.6.6 Required Action A.1 from 72 hours to 7 days for an inoperable Containment Spray (CS) Train B. This change is necessary to provide sufficient time to replace a leaking mechanical seal on CS Pump 1B–B. The pump repair is currently scheduled for the week of June 24, 2013. TVA requested this TS change under exigent circumstances and that the NRC expedites the review to support approval by June 22, 2013.

*Date of publication of individual notice in **Federal Register**:* June 3, 2013 (78 FR 33117).

Expiration date of individual notice: June 17, 2013 (public comments); August 2, 2013 (hearing requests).

Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the NRC's Public Document Room (PDR), located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr.resource@nrc.gov*.

Carolina Power and Light Company, et al., Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit 2, Darlington County, South Carolina

Date of application for amendment: September 6, 2012, as supplemented by letter dated December 7, 2012.

Brief Description of amendment: The amendment revised the Technical Specifications (TSs) to eliminate Function 14, Steam Generator Water Level-Low Coincident with Steam Flow/Feedwater Flow Mistmatch, from the HBRSEP TS Table 3.3.1–1, ''Reactor Protection System Instrumentation.''

Date of issuance: May 29, 2013.

Effective date: As of date of issuance and shall be implemented prior exiting the scheduled fall 2013 refueling outage.

Amendment No.: 234.

Renewed Facility Operating License No. DPR–23: Amendment changed the license and TSs.

*Date of initial notice in **Federal Register:*** November 27, 2012 (77 FR 70840). The supplement dated December 7, 2012, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 29, 2013.

No significant hazards consideration comments received: No.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit 2, New London County, Connecticut

Date of amendment request: July 21, 2010.

Description of amendment request: The proposed amendment revised the Technical Specification (TS) 3/4.9.3.1, ''Decay Time'' for Millstone Power Station, Unit 2 (MPS2). The proposed change revises TS 3/4.9.3.1 by reducing the minimum decay time for irradiated fuel prior to movement in the reactor vessel from 150 hours to 100 hours. The licensee requested a reduction in the minimum decay time requirement to provide additional flexibility in outage planning such that irradiated fuel can be moved from the reactor vessel to the spent fuel pool earlier in an outage.

Date of issuance: June 4, 2013.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 315.

Renewed Facility Operating License No. DPR–65: Amendment revised the License and Technical Specifications.

*Date of initial notice in **Federal Register:*** April 2, 2013 (78 FR 19749). The supplemental letter dated July 19, 2011, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no

significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 2013.

No significant hazards consideration comments received: No.

South Carolina Electric and Gas. Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS), Units 3 and 4, Fairfield County, South Carolina

Date of amendment request: February 14, 2013.

Brief description of amendment: The amendment authorizes a departure from the Virgil C. Summer Nuclear Station, Units 2 and 3 plant-specific Design Control Document (DCD) material incorporated into the Updated Final Safety Analysis Report (UFSAR) to revise Figure 3.8.8–1, Sheet 1, Note 2.

Date of issuance: May 23, 2013.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: Unit 2–3, and Unit 3–3.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendment revised the Facility Combined Licenses.

*Date of initial notice in **Federal Register:*** March 4, 2013 (78 FR 14126).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 23, 2013.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 14th day of June 2013.

For The Nuclear Regulatory Commission.

John D. Monninger,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–14880 Filed 6–24–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0001]

Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Weeks of June 24, July 1, 8, 15, 22, 29, 2013.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of June 24, 2013

There are no meetings scheduled for the week of June 24, 2013.

Week of July 1, 2013—Tentative

There are no meetings scheduled for the week of July 1, 2013.

Week of July 8, 2013—Tentative

Tuesday, July 9, 2013

9:30 a.m. Briefing on Security Issues (Closed—Ex. 1)

Wednesday, July 10, 2013

9:00 a.m. Briefing on NRC International Activities (Part 1) (Public Meeting) (Contact: Karen Henderson, 301–415–0202).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

10:30 a.m. Briefing on NRC International Activities (Part 2) (Closed—Ex. 1 & 9) (Contact: Karen Henderson, 301–415–0202).

Thursday, July 11, 2013

9:30 a.m. Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting). (Contact: Ed Hackett, 301–415–7360).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

Week of July 15, 2013—Tentative

There are no meetings scheduled for the week of July 15, 2013.

Week of July 22, 2013—Tentative

There are no meetings scheduled for the week of July 22, 2013.

Week of July 29, 2013

There are no meetings scheduled for the week of July 29, 2013.

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *kimberly.meyer-chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *darlene.wright@nrc.gov.*

Dated: June 20, 2013.

Richard J. Laufer,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2013–15259 Filed 6–21–13; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69802; File No. SR–BOX–2013–30]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend BOX Rule 3150 (Reports Related to Position Limits)

June 19, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 6, 2013, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BOX Rule 3150 (Reports Related to Position Limits). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend BOX Rule 3150 (Reports Related to Position Limits) to exempt BOX Market Makers [3] from the requirement to provide daily position reports. This change will permit the Exchange to harmonize BOX's Rules with the rules of other options exchanges, specifically the Chicago Board Options Exchange (''CBOE''), NYSE MKT LLC (''NYSE MKT''), NYSE Arca, Inc. (''NYSE Arca''), BATS Exchange, Inc. (''BATS''), International Securities Exchange, LLC (''ISE''), Miami International Securities Exchange, LLC (''MIAX''), and NASDAQ OMX PHLX LLC (''Phlx'').[4]

The proposed rule change would amend the language in BOX Rule 3150(b). Specifically, the proposed rule change will exempt a Market Maker that maintains an end of day position in excess of 10,000 non-FLEX equity options contracts on the same side of the market from reporting whether such position is hedged and providing documentation as to how such position is hedged. This report is required at the time the subject account exceeds the 10,000 contract threshold and thereafter, for Customer accounts, when the position increases by 2,500 contracts, and for proprietary accounts when the position increases by 5,000 contracts. Currently all Options Participants, including Market Makers are required to provide these reports. The proposed language will eliminate the reporting burden for Market Makers, whose position information the Exchange can access as needed through the Options Clearing Corporation (''OCC''). Furthermore, as stated above the amended rule will make BOX's position limit reporting requirement consistent with that of other options exchanges.[5]

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[6] in general, and Section 6(b)(5) of the Act,[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, the Exchange believes the proposed rule change will harmonize BOX's rules with the rules of other options exchanges. In addition, the Exchange believes that the proposed rule change will help ensure efficiency by exempting BOX Market Makers, whose position information can already be accessed through the OCC.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to harmonize BOX's rules with those of other options exchanges. The Exchange believes this proposed rule change is necessary to establish uniform rules regarding position limit reporting.

Specifically, the proposed rule change will create consistency among industry rules. The Exchange does not believe the proposed rule filing will bring any unnecessary burden on intermarket competition as it is consistent with the other options exchanges' rules.[8]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10]

At any time within sixty (60) days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2013–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2013–30. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than

[3] As defined in BOX Rule 100(a)(30).

[4] *See* CBOE Rule 4.13(b), NYSE MKT Rule 906(b), NYSE Arca Rule 6.6(b), BATS Rule 18.10(b), ISE Rule 415(b), MIAX Rule 310(b), and Phlx Rule 1003(b).

[5] *Id.*

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *See supra,* note 4.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of BOX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2013–30, and should be submitted on or before July 16, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–15084 Filed 6–24–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69801; File No. SR–NASDAQ–2013–086]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 4120 To Adopt a Modification in the Process for Initiating Trading of a Security That Is the Subject of an Initial Public Offering on NASDAQ

June 19, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 13, 2013, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to amend Rule 4120 to adopt a modification in the process for initiating trading of a security that is the subject of an initial public offering (an ''IPO'') on NASDAQ. NASDAQ proposes to implement the proposed rule change on a date that is on, or shortly after, the expiration of the pre-operative delay provided for in Rule 19b–4(f)(6)(iii).[3] The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2012, NASDAQ modified its process for commencing trading of a security that is the subject of an IPO on NASDAQ by allowing market participants to enter orders to be held in an undisplayed state until the commencement of the Display-Only Period that occurs prior to the IPO.[4] Pursuant to the change made last year, Rule 4120(c)(7)(B) currently provides that market participants may enter Market Hours Day Orders (''MDAY Orders'') in a security that is the subject of an IPO on NASDAQ and designate such orders to be held until the beginning of the Display-Only Period. Such orders will be held in an undisplayed state until the beginning of the Display-Only Period, at which time they will be entered into the system. NASDAQ is proposing to modify the rule slightly by providing that any order in a security that is the subject of an IPO, regardless of its time-in-force, may be designated to be held until the beginning of the Display-Only Period. NASDAQ believes that the quality of its process for commencing IPO trading will be enhanced by the change, which may result in a higher level of order interaction at the open by allowing more orders to interact at the commencement of trading.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and with Section 6(b)(5) of the Act,[6] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, NASDAQ believes that the proposed rule change will result in a greater number of orders being entered prior to commencement of trading of IPO securities, resulting in a higher level of order interaction at the open. Thus, NASDAQ believes that the change will remove impediments to and perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, NASDAQ believes that this change will provide for a greater number of orders being entered prior to commencement of trading, resulting in a higher level of order interaction. NASDAQ believes that this change will promote competition by enhancing the attractiveness of NASDAQ as a trading venue through higher order fill rates and more complete price discovery. Moreover, because the change will not affect the availability or price of goods or services offered by NASDAQ or others, it will not impose any burden on competition.

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 242.19b–4(f)(6)(iii).

[4] Securities Exchange Act Release No. 66652 (March 23, 2012), 77 FR 13129 (March 29, 2012) (SR–NASDAQ–2012–038).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2013–086 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2013–086. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of NASDAQ. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2013–086, and should be submitted on or before July 16, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–15083 Filed 6–24–13; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent of waiver with respect to land; Morris Municipal Airport, Morris, Illinois.

SUMMARY: The FAA is considering a proposal to change a 0.747-acre portion of airport land from aeronautical use to non-aeronautical use and to authorize the sale of airport property located at Morris Municipal Airport, Morris, Illinois.

The subject portion of airport property considered for release from obligation to be maintained for aeronautical use and sale includes a 0.346-acre portion of Parcel G (110.55 total acres) and 0.401-acre portion of Parcel C2 (73.27 total acres) that are located in the west quadrant of the airport along Illinois Route 47 and currently not being used directly for aeronautical purposes. Currently, ownership of the property provides for protection of FAR Part 77 surfaces and compatible land use which would continue to be protected with deed restrictions required in the transfer of land ownership. The change from aeronautical to non-aeronautical use would allow for the widening of Route 47 which is directly adjacent to the airport. The aforementioned land is not needed for aeronautical use.

DATES: Comments must be received on or before July 25, 2013.

ADDRESSES: Documents are available for review by prior appointment at the FAA Airports District Office, Mr. Richard Pur, Airports Engineer, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Telephone: (847) 294–7527/Fax: (847) 294–7046, and Morris Municipal Airport, 9980 North Route 47, Morris, Illinois 60450, and (815) 942–1600.

Written comments on the Sponsor's request must be delivered or mailed to: Mr. Richard Pur, Airports Engineer, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Telephone: (847) 294–7527/Fax: (847) 294–7046.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Pur, Airports Engineer, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Telephone: (847) 294–7527/Fax: (847) 294–7046.

SUPPLEMENTARY INFORMATION: In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

Existing Parcel G was originally acquired under AIP Grant 3–17–SBGP–SB91 in July, 1991, and Parcel C2 was originally acquired under AIP Grant 3–17–SBGP–74 in December, 2012, with the subject portions of those parcels currently used for FAR Part 77 protection and to ensure compatible land use. The City of Morris plans to sell the subject property to the Illinois Department of Transportation—Division of Highways for the purpose of widening Route 47 adjacent to the airport. Fair Market Value will be obtained from the sale of the subject property.

Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject

airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The use of the revenue generated from the sale of the airport property will be in accordance with FAA's Policy and Procedures concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

Tract 1—Subject Portion of Parcel G (Legal Description)

That part of the Southwest Quarter of Section 15, Township 34 North, Range 7 East of the Third Principal Meridian, Grundy County, Illinois, with bearings and grid distances referenced to the Illinois State Plane Coordinate System, East Zone NAD 83 (2007 adj) described as follows:

Commencing at the southwest corner of said Southwest Quarter of Section 15 per monument record recorded as document no. 393406 in the Grundy County Recorder's Office; thence North 88 degrees 16 minutes 09 seconds East 60.48 feet on the south line of said Southwest Quarter to the Point of Beginning; thence North 00 degrees 58 minutes 40 seconds West 411.70 feet on the existing east right-of-way line of FAP 326 (IL Rte. 47); thence North 89 degrees 01 minute 44 seconds East 14.99 feet; thence South 00 degrees 58 minutes 44 seconds East 23.03 feet; thence North 87 degrees 45 minutes 50 seconds East 10.00 feet; thence South 00 degrees 58 minutes 44 seconds East 279.89 feet; thence South 17 degrees 40 minutes 42 seconds East 52.20 feet; thence South 00 degree 58 minutes 44 seconds East 58.47 feet to said south line; thence South 88 degrees 16 minutes 09 minutes West 40.00 feet on said south line to the Point of Beginning; containing 0.260 acre, more or less (area based on ground distances), situated in the County of Grundy and State of Illinois.

Tract 2—Subject Portion of Parcel G (Legal Description)

That part of the Southwest Quarter of Section 15, Township 34 North, Range 7 East of the Third Principal Meridian, Grundy County, Illinois, with bearings and grid distances referenced to the Illinois State Plane Coordinate System, East Zone NAD 83 (2007 adj) described as follows:

Commencing at the southwest corner of said Southwest Quarter of Section 15 per monument record recorded as document no. 393406 in the Grundy County Recorder's Office; thence North 00 degrees 58 minutes 16 seconds West 610.50 feet on the west line of said Southwest Quarter to the north line of property described in Book 313, Page 29; thence North 89 degrees 01 minute 44 seconds East 60.41 feet on said north line to the Point of Beginning; thence North 00 degrees 58 minutes 40 seconds West 413.02 feet on the existing east right-of-way line of FAP 326 (IL Rte. 47) to a non-tangential curve; thence South 413.32 feet along a 8,075.00 foot radius curve to the right with a chord bearing South 03 degrees 00 minutes 11 seconds East 413.28 feet to said north line, thence South 89 degrees 01 minute 44 seconds West 14.61 feet on said north line to the Point of Beginning; containing 0.086 acre or 3,745 square feet, more or less (area based on ground distances), situated in the County of Grundy and State of Illinois.

Tract 3—Subject Portion of Parcel C2 (Legal Description)

That part of the Southwest Quarter of Section 10, Township 34 North, Range 7 East of the Third Principal Meridian, Grundy County, Illinois, with bearings and grid distances referenced to the Illinois State Plane Coordinate System, East Zone NAD 83 (2007 adj) described as follows:

Commencing at the southwest corner of said Southwest Quarter of Section 10 per monument record recorded as document no. 393405 in the Grundy County Recorder's Office; thence North 00 degrees 59 minutes 16 seconds West 817.70 feet on the west line of said Southwest Quarter; thence North 88 degrees 25 minutes 01 seconds East 45.36 feet to the existing east right-of-way line of FAP 326 (IL Rte. 47) and the Point of Beginning; thence North 00 degrees 58 minutes 44 seconds West 408.60 feet on said east line; thence North 01 degree 52 minutes 59 seconds East 131.38 feet on said east line; thence North 04 degrees 36 minutes 35 seconds West 197.24 feet on said east line; thence North 00 degree 55 minutes 36 seconds West 771.00 feet on said east line to the northwest corner of property described in Condemnation Case No. 2011 ED 1 filed in the Grundy County Circuit Clerk's office; thence South 01 degree 39 minutes 56 seconds East 596.18 feet to a non-tangential curve; thence southerly 620.26 feet along a 8,095.00 foot radius curve to the right with a chord bearing South 03 degrees 10 minutes 02 seconds East 620.10 feet; thence South 14 degrees 10 minutes 10 seconds West 76.57 feet; thence South 00 degrees 58 minutes 19 seconds East 453.56 feet; thence South 88 degrees 25 minutes 01 second West 5.53 feet to said existing east right-of-way line; thence North 00 degrees 58 minutes 44 seconds West 235.65 feet on said existing east right-of-way line to the Point of Beginning; containing 0.401 acre or 17,470 square feet, more or less (area based on ground distances), situated in the County of Grundy and State of Illinois.

Issued in Des Plaines, Illinois, on June 7, 2013.

James G. Keefer,

Manager, Chicago Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2013–15130 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2013–0550]

Airworthiness Criteria: Proposed Airship Design Criteria for Lockheed Martin Aeronautics Model LMZ1M Airship

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed design criteria and request for comments.

SUMMARY: This notice announces the availability of and requests comments on the proposed design criteria for the Lockheed Martin Aeronautics model LMZ1M airship. On March 12, 2012 Lockheed Martin Aeronautics submitted an application for type certification for the model LMZ1M. The LMZ1M is a manned cargo lifting hybrid airship incorporating a number of advanced features. The Hybrid Certification Criteria (HCC) for Transport Category Hybrid Airships, Lockheed Martin Aeronautics Company Document Number 1008D0122 Rev. C dated January 31, 2013 was specifically developed for the LMZ1M.

DATES: Comments must be received on or before July 25, 2013.

ADDRESSES: Send comments identified by docket number FAA–2013–0550 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

▪ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov*, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Albert Mercado, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106, telephone (816) 329–4119, facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed design criteria by submitting such written data, views, or arguments as they may desire. Commenters should identify the proposed design criteria on the Lockheed Martin Aeronautics model LMZ1M airship and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Small Airplane Directorate before issuing the final design criteria.

Background

On March 12, 2012 Lockheed Martin Aeronautics submitted an application for type certification for the model LMZ1M airship. The LMZ1M is a hybrid airship incorporating a number of advance features. The tri-lobed airship envelope has 1,285,000 cubic foot displacement incorporating four thrusters to allow thrust vectoring. Thrust vectoring and control surface motions are controlled through a vehicle management system using electronic fly by-wire controls. Rather than conventional landing gear, the LMZ1M uses air cushion landing system (ACLS) for landing and ground operations. The LMZ1M is a manned cargo lifting hybrid airship with a gondola accommodating eight passengers and two crewmembers and a large cargo bay, and external load capabilities.

Proposed Design Criteria

Applicable Airworthiness Criteria Under 14 CFR part 21

The only applicable requirement for airship certification in the United States is FAA document ''FAA–P–8110–2, Airship Design Criteria (ADC),'' dated November 2, 1987 with Change 1, dated July 24, 1992 and Change 2, dated July 24, 1992. This document has been the basis of certification of airships in the United States for many years. The ADC is inadequate for an aircraft with the size and advanced features of the LMZ1M. Given the size and weight of the LMZ1M and in accordance with 14 CFR Part 21.17(b), the level of safety should be commensurate with other transport category aircraft. The ''Hybrid Certification Criteria (HCC) for Transport Category Hybrid Airships,'' Lockheed Martin Aeronautics Company Document Number 1008D0122 Rev. C dated January 31, 2013 was specifically developed for the LMZ1M. This criteria is based on ''FAA P–8110–2, Airship Design Criteria (ADC),'' the ''Transport Airship Requirements (TAR)'', dated March 2000, 14 CFR Part 29—Airworthiness Standards: Transport Category Rotorcraft and to a lesser extent 14 CFR Parts 23, 25, 33 and 35.

Certification Basis

The Hybrid Certification Criteria (HCC) for Transport Category Hybrid Airships, Lockheed Martin Aeronautics Company Document Number 1008D0122 Rev. C dated January 31, 2013.

Issued in Kansas City, Missouri, on May 17, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–15056 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of a Draft Environmental Assessment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of a Draft Environmental Assessment for the construction and operation of a replacement aerial tramway on South Franklin Mountain, El Paso, Texas.

SUMMARY: The Federal Aviation Administration (FAA) proposes to fund, construct, operate, and maintain a replacement aerial tramway (ATRAM) system on South Franklin Mountain, El Paso, Texas. The purpose of the proposed project is the replacement of the existing ATRAM with a modern ATRAM system. The FAA needs to continue the safe and reliable transport of FAA maintenance personnel to service communication facilities located at the top of South Franklin Mountain. The FAA's preferred alternative is to construct, operate, and maintain a replacement ATRAM at a location adjacent to the existing ATRAM system at South Franklin Mountain, El Paso, Texas.

The FAA has prepared a Draft Environmental Assessment (DEA) in conformance with the requirements of the National Environmental Policy Act of 1969 (NEPA) and FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures.* The DEA analyzes the potential environmental impacts that may result from construction and operation of the proposed replacement ATRAM system at the proposed site, as well as the no action alternative (i.e., not constructing and operating the replacement ATRAM).

DATES: The FAA will accept written comments on the DEA until close of business on July 29, 2013.

ADDRESSES: The DEA is available for public review during a 30–day public comment period at the following libraries:

El Paso Main Library, 501 North Oregon Street, El Paso, TX 79901.

Richard Burges Branch Library, 9600 Dyer St., El Paso, TX 79924.

Written comments on the DEA may be sent to: Ms. Virginia Marcks, FAA, AJW–C15H, 2300 East Devon Ave., Des Plaines, IL 60018, fax 847–294–7698, email *virginia.marcks@faa.gov.* Copies of the Draft EA on compact disk may be obtained by contacting Ms. Virginia Marcks. Comments received on the DEA during the public comment period will be addressed in the Final Environmental Assessment.

FOR FURTHER INFORMATION CONTACT: Ms. Virginia Marcks, Manager, Infrastructure Engineering Center, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Telephone number: 847–294–7494. Email: *virginia.marcks@faa.gov.*

Issued in Des Plaines, Illinois, June 18, 2013.

Virginia Marcks,

Manager, Infrastructure Engineering Center, Chicago, AJW–C15H, Central Service Area.

[FR Doc. 2013–15134 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

First Meeting: RTCA Special Committee 228—Minimum Operational Performance Standards for Unmanned Aircraft Systems

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

ACTION: Notice of RTCA Special Committee 228—Minimum Operational Performance Standards for Unmanned Aircraft Systems.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 228—Minimum Operational Performance Standards for Unmanned Aircraft Systems.

DATES: The meeting will be held July 30, 2013, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0662 or (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of RTCA Special Committee 228—Minimum Operational Performance Standards for Unmanned Aircraft Systems. The agenda will include the following:

Wednesday, July 30

- Welcome and Introductions.
- Agenda Overview.
- RTCA Overview.
  - Background on RTCA, MOPS, and Process.
- Review of RTCA PMC UAS Standards Ad Hoc Committee Activity.
- SC–228 Scope and Terms of Reference.
- SC–228 Structure and Organization of Work.
  - Working Group 1—Detect and Avoid (DAA)
  - Working Group 2—Command and Control (C2)
- Other Business
- Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 6, 2013.

Paige L. Williams,

Management Analyst, Business Operations Group, ANG–A12, Federal Aviation Administration.

[FR Doc. 2013–15139 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Thirteenth Meeting: RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems—Small and Medium Size

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

ACTION: Meeting Notice of RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems—Small and Medium Size.

SUMMARY: The FAA is issuing this notice to advise the public of the twelfth meeting of the RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems—Small and Medium Size.

DATES: The meeting will be held July 16–18, 2013, from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at the RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0662/(202) 833–9339, fax (202) 833–9434, or Web site at *http://www.rtca.org.* In addition, Jennifer Iversen may be contacted directly at email: *jiversen@rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 225. The agenda will include the following:

Tuesday, July 16, 2013

- Introductions and administrative items.
- Review agenda.
- Review and approval of summary from last Plenary meeting.
- Status of TOR and discussion of next steps.
- Li-ion Current Events.
- Working Group review and disposition FRAC comments.
- Review action items.

Wednesday, July 17, 2013

- Review agenda, other actions.
- Working Group review and disposition FRAC comments.

Thursday, July 18, 2013

- Review agenda, other actions.
- Review schedule for upcoming Plenaries (as needed), working group meetings, and document preparation.
- Review working group disposition of FRAC comments.
- Create plan and schedule for updating DO–311 per updated TOR.
- Establish agenda for the next Plenary.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting.

Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 12, 2013.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2013–15138 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Seventh Meeting: RTCA Special Committee 226, Audio Systems and Equipment

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

ACTION: Meeting Notice of RTCA Special Committee 226, Audio Systems and Equipment.

SUMMARY: The FAA is issuing this notice to advise the public of the sixth meeting of the RTCA Special Committee 226, Audio Systems and Equipment

DATES: The meeting will be held July 15–19, 2013 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org*. In addition, Sophie Bouquet may be contacted directly at (202) 330–0663, email: *sbousquet@rtca.org*.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 226. The agenda will include the following:

- Welcome and Administrative Remarks
- Introductions
- Agenda Overview
- Review previous action items from working groups
- Solicit proposals for further changes to DO–214
- Finish discussion on the following:

(a) A consistent method for testing of ANR headsets

(b) A consistent method for testing of Oxygen Mask Microphones

(c) RF susceptibility issues

(d) Absolute (envelope) delay

- Incorporate all changes into DO–214 draft
- Final review of DO–214 and draft updates/changes
- Review/Prepare draft for Final Review and Comment Release
- Review next steps and actions for next meeting
- Set next meeting dates
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 12, 2013.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2013–15136 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2013–0017]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 26, 2013.

ADDRESSES: You may submit comments identified by DOT Docket ID 2013–0017 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tom Kearney, 518–431–8890, Office of Freight Management & Operations (HOFM–1), Office of Operations, Federal Highway Administration, Department of Transportation, Leo O'Brien Federal Building, Room 715, Albany, NY 12207. Office hours are from 7:30 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: USDOT Survey and Comparative Assessment of Truck Parking Facilities.

Background: US Department of Transportation (USDOT) is directed to complete a survey and comparative assessment of truck parking facilities in each State as required by Section 1401(c) of *Moving Ahead for Progress in the 21st Century* (MAP–21). MAP–21 Section 1401(c) requires the conduct of a survey in order to evaluate the capability of the States to provide adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation. Other work activities required under this section of MAP–21 are: An assessment of the volume of commercial motor vehicle traffic in each State and the development of a system of metrics designed to measure the adequacy of commercial motor vehicle truck parking facilities in each state. The results of this survey shall be made available on a publicly accessible Department of Transportation Web site.

Respondents: State Transportation and Enforcement Officials, Private Sector Facility Owners/Operators, Trucking Company owners or their designee, and Truck Drivers. The target groups of respondents are individuals who are responsible for providing or overseeing the operation of truck parking facilities and stakeholders that depend on such facilities to safely conduct their business. The target group identified in the legislation is ''state commercial vehicle safety personnel''; the Federal Highway Administration (FHWA) has interpreted this term to include the Department of Transportation personnel in each State involved in commercial vehicle safety program activities and State enforcement agency personnel directly involved in enforcing highway safety laws and regulations and in highway incident and accident response. In addition, FHWA finds that the survey on the adequacy of truck parking opportunities is not limited to publicly owned facilities; input from private sector facility owners/operators must be obtained to adequately complete the required work provided in the federal legislation. FHWA also finds that input obtained from trucking company representatives (owners or their designees, especially those in logistics or who schedule drivers) and truck drivers, key stakeholders for truck parking facilities who are most likely to know where truck parking is needed, will be necessary to complete the survey requirements.

In addition to the survey instrument, FHWA intends to convene expert focus groups representing the stakeholder organizations listed above, as well as address this topic at existing meetings of the stakeholders as necessary and feasible to gather input in the delivery and content of the survey instrument and the assessment tool newly required in the law, as well as the system of metrics designed to measure truck

parking adequacy. It is estimated that the focus groups would comprise no more than three groups of 20 stakeholder participants for a total of three meetings—one meeting per group.

Types of Survey Questions: FHWA intends to survey Department of Transportation personnel in each State on the location, number of spaces, availability and demand for truck parking in their State, including at rest facilities, as well as any impediments to providing adequate truck parking capacity (including but not limited to legislative, regulatory, or financial issues; zoning; public and private impacts, approval, and participation; availability of land; insurance requirements and other issues). FHWA intends to survey private truck stop operators in each State on the location, number of truck parking spaces, availability and demand they observe at their facilities. FHWA intends to survey public safety officials in each State on their records and observations of truck parking use and patterns, including the location and frequency of trucks parked adjacent to roadways and on exit and entrance ramps to roadway facilities. FHWA intends to survey trucking companies and truck drivers regarding the location and frequency of insufficient truck parking and capacity at rest facilities, future truck parking needs and locations, availability of information on truck parking capacity, and other impediments to identification, access and use of truck parking. Other questions may be included as needed as a result of input from the focus groups, stakeholder outreach or at FHWA's discretion, or as follow-up to the survey.

Estimate

State Departments of Transportation = 50 (4 hours each) + [up to 15 individuals × up to 5 hours of meeting and travel] = up to 275 hours;

State Enforcement Personnel = 50 (1 hour each) + [up to 15 individuals × up to 5 hours of meeting and travel] = up to 125 hours;

Private Facility Owners/Operators = 229 (1 hour each) + [up to 15 individuals × up to 5 hours of meeting and travel] = up to 304 hours, and

Trucking Company Representatives and Drivers = 150 (1 hour each) + [up to 15 individuals × up to 5 hours of meeting and travel] = up to 225 hours;

Total number of respondents = 479 for the survey, and up to an additional 60 for focus groups (there is potential for overlap of individuals responding to the survey and participating on a voluntary basis in the focus group).

Total burden hours = at least 629 hours and no more than 929 hours (as allocated above).

Estimated Total Annual Burden: This survey will be updated periodically; the estimated total burden for each survey cycle for all respondents is no less than 629 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: June 20, 2013.

Michael Howell,

Information Collection Officer.

[FR Doc. 2013–15140 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0018]

Request for Comments of a Previously Approved Information Collection

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

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on February 15, 2013 (78 FR 11271).

DATES: Comments must be submitted on or before July 25, 2013.

FOR FURTHER INFORMATION CONTACT: Shirlene Ball, NHTSA 1200 New Jersey Avenue SE., W51–217, NPO 420, Washington, DC 20590. Mrs. Ball's telephone number is (202) 366–2245.

SUPPLEMENTARY INFORMATION:

Title: Air Bag Deactivation.

OMB Control Number: 2127–0588.

Affected Public: Private individuals, fleet owners and lessees, motor vehicle dealers, repair business.

Abstract: If a private individual or lessee wants to install an air bag on-off switch to turn-off either or both frontal air bags, they must complete Form OMB 2127–0588 to certify certain statements regarding use of the switch. The dealer or business must, in turn, submit the completed forms to NHTSA within seven days. The submission of the completed forms by the dealers and repair business to NHTSA, as required, will serve the agency several purposes. They will aid the agency in monitoring the number of authorization requests submitted and the pattern in claims of risk group membership. The completed forms will enable the agency to determine whether the dealers and repair business are complying with the terms of the exemption, which include a requirement that the dealers and repair businesses accept only fully completed forms. Finally, submission of the completed forms to the agency will promote honesty and accuracy in the filling out of the forms by vehicle owners. The air bag on-off switches are installed only in vehicles in which the risk of harm needs to be minimized on a case-by-case basis.

Estimated Annual Burden: 375 hours.

Estimated Number of Respondents: 750.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on June 20, 2013.

Kevin Mahoney,

Director, Corporate Customer Services.

[FR Doc. 2013–15177 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2012–0168]

Fatality Analysis Reporting System Information Collection

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

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before August 26, 2013.

ADDRESSES: Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB clearance Number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Marietta Bowen, State Data Reporting Systems Division (NVS–412), Room W53–306, 1200 New Jersey Avenue SE., Washington, DC 20590. Mrs. Bowen can also be reached via email at *marietta.bowen@dot.gov* or via phone at 202–366–4257. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected;

(iv) how to minimize the burden of the collection of information on those who are to respond, including 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.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

(1) *Title:* Fatal Analysis Reporting System (FARS).

OMB Control Number: 2127–0006.

Affected Public: State, Local, or Tribal Government.

Abstract: Under both the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle Safety Act of 1966, the National Highway Traffic Safety Administration (NHTSA) has the responsibility to collect accident data that support the establishment and enforcement of motor vehicle regulations and highway safety programs. These regulations and programs are developed to reduce the severity of injury and the property damage associated with motor vehicle accidents. The Fatality Analysis Reporting System (FARS) is a major system that acquires national fatality information directly from existing State files and documents. Since FARS is an on-going data acquisition system, reviews are conducted yearly to determine whether the data acquired are responsive to the total user population needs. The total user population includes Federal and State agencies and the private sector. Annual changes in the forms are minor in terms of operation and method of data acquisition, and do not affect the reporting burden of the respondent (State employees utilize existing State accident files). The changes usually involve clarification adjustments to aid statisticians in conducting more precise analyses and to remove potential ambiguity for the respondents.

Estimated Annual Burden: 98,655 hours.

Number of Respondents: 52.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Terry T. Shelton,

Associate Administrator for National Center for Statistics and Analysis.

[FR Doc. 2013–15043 Filed 6–24–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Proposed Collection of Information: Claim Against the United States for the Proceeds of a Government Check

AGENCY: Fiscal Service, Treasury.

ACTION: Notice and Request for comments.

SUMMARY: The 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 Bureau of Fiscal Service solicits comments concerning the Form FMS–1133, ''Claim Against the United States for the Proceeds of a Government Check.''

DATES: Written comments should be received on or before August 26, 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 Lisa Andre,

Manager, Customer Service Branch, P.O. Box 603, Philadelphia, PA 19154, (866) 868–0151, option 1.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Bureau of Fiscal Service solicits comments on the collection of information described below:

Title: Claim Against the United States for the Proceeds of a Government Check.

OMB Number: 1510–0019.

Form Number: FMS–1133.

Abstract: This form is used to collect information needed to process an individual's claim for non-receipt of proceeds from a U.S. Treasury check. Once the information is analyzed, a determination is made and a recommendation is submitted to the program agency to either settle or deny the claim.

Current Actions: Extension of currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 36,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 6,000.

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: June 14, 2013.

John B. Hill,

Assistant Commissioner, Payment Management.

[FR Doc. 2013–14997 Filed 6–24–13; 8:45 am]

BILLING CODE M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Publication of General License Related to the Syria Sanctions Program

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice, publication of general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing General License No. 11A issued under the Syria sanctions program on June 12, 2013. General License No. 11A authorizes certain services in support of nongovernmental organizations' activities in Syria.

DATES: *Effective Date:* June 12, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490, Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Policy, tel.: 202–622–2746, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202–622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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

Background

On June 12, 2013, OFAC issued General License No. 11A authorizing certain services in support of nongovernmental organizations' activities in Syria, including the activities formerly licensed by General License No. 11, dated September 26, 2011, and also activities to support the preservation and protection of cultural heritage sites in Syria. General License No. 11A replaces and supersedes in its entirety General License No. 11, dated September 26, 2011.

At the time of its issuance on June 12, 2013, OFAC made General License No. 11A available on its Web site. With this notice, OFAC is publishing General License No. 11A in the **Federal Register**.

General License No. 11A

Authorizing Certain Services in Support of Nongovernmental Organizations' Activities in Syria

(a) General License No. 11, dated September 26, 2011, is replaced and superseded in its entirety by this General License No. 11A.

(b) Nongovernmental organizations are authorized to export or reexport services to Syria that would otherwise be prohibited by section 2 of Executive Order 13582 of August 17, 2011 (''E.O. 13582''), in support of the following not-for-profit activities:

(1) Activities to support humanitarian projects to meet basic human needs in Syria, including, but not limited to, drought relief, assistance to refugees, internally displaced persons, and conflict victims, food and medicine distribution, and the provision of health services;

(2) Activities to support democracy building in Syria, including, but not limited to, rule of law, citizen participation, government accountability, and civil society development projects;

(3) Activities to support education in Syria, including, but not limited to, combating illiteracy, increasing access to education, and assisting education reform projects;

(4) Activities to support non-commercial development projects directly benefiting the Syrian people, including, but not limited to, preventing infectious disease and promoting maternal/child health, sustainable agriculture, and clean water assistance; and

(5) Activities to support the preservation and protection of cultural heritage sites in Syria, including, but not limited to, museums, historic buildings, and archaeological sites.

(c) U.S. depository institutions, U.S. registered brokers or dealers in securities, and U.S. registered money transmitters are authorized to process transfers of funds on behalf of U.S. or third-country non-governmental organizations to or from Syria in support of the activities authorized by paragraph (b), provided that, except as authorized by paragraph (e), the transfer is not by, to, or through the Government of Syria or any other person whose property and interests in property are blocked pursuant to Executive Order 13338 of May 11, 2004, Executive Order 13399 of April 25, 2006, Executive Order 13460 of February 13, 2008, Executive Order 13572 of April 29, 2011, Executive Order 13573 of May 18, 2011, E.O. 13582, or Executive Order 13606 of April 22, 2012, or with a

person sanctioned pursuant to Executive Order 13608 of May 1, 2012 (collectively, the ''Orders'').

(d) U.S. persons engaging in transactions pursuant to paragraph (b)(5) or processing transfers of funds to or from Syria in support of activities authorized by paragraph (b)(5) are required to file quarterly reports no later than 30 days following the end of the calendar quarter with the Office of Foreign Assets Control. The reports should include complete information on all activities and transactions undertaken pursuant to paragraph (b)(5) and paragraph (c) in support of the activities authorized by paragraph (b)(5) that took place during the reporting period, including the parties involved, the value of the transactions, the services provided, and the dates of the transactions. The reports should be addressed to the Office of Foreign Assets Control, Licensing Division, U.S. Treasury Department, 1500 Pennsylvania Avenue NW-Annex, Washington, DC 20220.

(e) Nongovernmental organizations are authorized to engage in transactions with the Government of Syria that are necessary for the activities authorized by paragraph (b) of this general license, including, but not limited to, payment of taxes, fees, and import duties to, and purchase or receipt of permits, licenses, or public utility services from, the Government of Syria.

(f) Except as authorized in paragraph (e), this general license does not authorize the exportation or reexportation of services to, charitable donations to or for the benefit of, or any other transactions involving, the Government of Syria or any other person blocked pursuant to the Orders. Specific licenses may be issued on a case-by case basis for these purposes.

Note To General License No. 11A: For guidance regarding exports or reexports to Syria, see General License No. 4A, ''Exports or Reexports to Syria of Items Licensed or Otherwise Authorized by the Department of Commerce Authorized; Exports or Reexports of Certain Services Authorized.''

Dated: June 18, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–15048 Filed 6–24–13; 8:45 am]

BILLING CODE 4810–AL–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—June 27, 2013, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: William A. Reinsch, Chairman of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on June 27, 2013, ''Macau and Hong Kong.''

Background: This is the seventh public hearing the Commission will hold during its 2013 report cycle to collect input from academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The hearing will examine two of China's special administrative regions, Macau and Hong Kong. The Commission will focus on money laundering and financial fraud related to casino gambling in Macau and issues related to democracy, press freedom, and human rights in Hong Kong.

The hearing will be co-chaired by Commissioners William A. Reinsch and Dennis C. Shea. Any interested party may file a written statement by June 27, 2013, by mailing to the contact below. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Location, Date and Time: Dirksen Senate Office Building, Room 608. Thursday, June 27, 2013, 9:00 a.m.–2:45 p.m. Eastern Time. A detailed agenda for the hearing is posted to the Commission's Web site at *www.uscc.gov.* Also, please check our Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Reed Eckhold, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; phone: 202–624–1496, or via email at *reckhold@uscc.gov. Reservations are not required to attend the hearing.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Pub. L. 109–108 (November 22, 2005).

Dated: June 20, 2013.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2013–15115 Filed 6–24–13; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (Knee and Lower Leg Disability Benefits Questionnaire) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to adjudicate the claim for VA disability benefits related to a claimant's diagnosis of knee and lower leg conditions.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 26, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–NEW (Knee and Lower Leg Conditions Disability Benefits Questionnaire)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or Fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each

collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden 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 through the use of automated collection techniques or the use of other forms of information technology.

SUPPLEMENTARY INFORMATION:

Title: Knee and Lower Leg Conditions Disability Benefits Questionnaire, VA Form 21–0960M–9.

OMB Control Number: 2900–NEW (Knee and Lower Leg Conditions Disability Benefits Questionnaire).

Type of Review: New data collection.

Abstract: The VA Form 21–0960M–9, *Knee and Lower Leg Conditions Disability Benefits Questionnaire,* will be used for disability compensation or pension claims which require an examination and/or receiving private medical evidence that may potentially be sufficient for rating purposes. The form will be used to gather necessary information from a claimant's treating physician regarding the results of medical examinations and related to the claimant's diagnosis of a knee or lower leg condition. VA will gather medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits.

Affected Public: Individuals or Households.

Estimated Annual Burden: 25,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 50,000.

Dated: June 19, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–15044 Filed 6–24–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Funds Availability Inviting Applications for the Rural Veterans Coordination; Amendment

AGENCY: Department of Veterans Affairs.

ACTION: Notice; extension of NOFA application deadline.

SUMMARY: This notice extends the Department of Veterans Affairs (VA) application deadline for funds available under the Rural Veterans Coordination Pilot (RVCP) program. VA published a Notice of Funds Availability (NOFA) in the **Federal Register** on June 4, 2013 (78 FR 33472) to announce the availability of funds for applications beginning June 4, 2013 through July 19, 2013, 5pm eastern standard time. The NOFA includes funding priorities for those applicants who will assist veterans and their families who are transitioning from military service to civilian life in rural or underserved communities. To allow applicants more time to complete the application process, VA is extending the application deadline to midnight eastern standard time on September 19, 2013.

DATES: Applications must be received in accordance with this NOFA no later than midnight eastern standard time on September 19, 2013.

Applications must be uploaded as a complete package into *http://www.Grants.gov.* Applications may not be sent by fax.

In the interest of fairness to all competing applicants, this deadline of no later than midnight September 19, 2013, is firm as to date and hour, and VA will not consider any application that is received after the deadline.

FOR FURTHER INFORMATION CONTACT: Karen Malebranche, Veterans Health Administration, Office of Interagency Health Affairs (10P5), 810 Vermont Avenue NW., Washington, DC 20420, telephone (202) 461–4001. (This is not a toll-free number.)

For a copy of the Application Package: Download directly from *http://www.ruralhealth.va.gov/coordination-pilot/index.asp.* Questions should be referred to the RVCP Program Office at (202) 461–4001. (This is not a toll-free number.) For detailed program information and requirements, see the final rule published in the **Federal Register** on February 25, 2013 (78 FR 12617), which is codified at 38 CFR part 64.

Approved: June 19, 2013.

Robert C. McFetridge,

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

[FR Doc. 2013–15050 Filed 6–24–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Intent To Grant An Exclusive License

AGENCY: Office of Research and Development, Department of Veterans Affairs.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs (VA), Office of Research and Development (ORD), intends to grant to Somahlution, Inc., a Delaware corporation, doing business at 3401 Fiechtner Drive, Fargo, North Dakota 58103, USA, an exclusive license to practice the following patent: U.S. Patent No. 6,569,615, ''Composition and Methods for Tissue Preservation,'' issued May 27, 2003. Copies of the published patent may be obtained from the U.S. Patent and Trademark Office at *www.uspto.gov.*

DATES: Comments must be received within 15 days from the date of this published Notice.

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 Avenue 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). Call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Director of Technology Transfer Program, Office of Research and Development (10P9TT), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 443–5640. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: It is in the public interest to so license these inventions to Somahlution, Inc. in order to facilitate the development and commercialization of new and useful

means for ''in situ'' and ''ex vivo'' preservation of tissues and organs. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted, unless VA ORD receives written evidence and argument within 15 days from the date of this published Notice, which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Approved: June 11, 2013.

Jose D. Riojas,

Interim Chief of Staff, Department of Veterans Affairs.

[FR Doc. 2013–15107 Filed 6–24–13; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 78 Tuesday,

No. 122 June 25, 2013

Part II

Architectural and Transportation Barriers Compliance Board

36 CFR Part 1196

Passenger Vessels Accessibility Guidelines; Proposed Rule

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1196

[Docket No. ATBCB–2013–0003]

RIN 3014–AA11

Passenger Vessels Accessibility Guidelines

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: We, the Architectural and Transportation Barriers Compliance Board (Access Board), are proposing accessibility guidelines for the construction and alteration of passenger vessels covered by the Americans with Disabilities Act (ADA) to ensure that the vessels are readily accessible to and usable by passengers with disabilities. The guidelines would apply to passenger vessels, other than ferries and tenders, permitted to carry more than 150 passengers or more than 49 overnight passengers; ferries permitted to carry more than 99 passengers; and tenders permitted to carry more than 59 passengers. The U.S. Department of Transportation (DOT) and U.S. Department of Justice (DOJ) are required to issue accessibility standards for the construction and alteration of passenger vessels covered by the ADA that are consistent with our guidelines. Passenger vessel owners and operators would not be required to comply with the guidelines until they are adopted by DOT and DOJ as accessibility standards for the construction and alteration of passenger vessels covered by the ADA.

DATES: Submit comments by September 23, 2013. A hearing will be held on the proposed guidelines on July 10, 2013, from 9:30 a.m. to 12:00 p.m. To pre-register to testify at the hearing, contact Al Baes at (202) 272–0011 (voice), (202) 272–0082 (TTY), or *baes@access-board.gov*.

ADDRESSES: Submit comments by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments. Regulations.gov ID for this docket is ATBCB–2013–0003.
- Email: *pvag@access-board.gov*. Include docket number ATBCB–2013–0003 in the subject line of the message.
- Fax: 202–272–0081.
- Mail or Hand Delivery/Courier: Paul Beatty, Access Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111.

All comments received, including any personal information provided, will be posted without change to *http://www.regulations.gov* and are available for public viewing.

The hearing will be held in the Access Board Conference Room, 1331 F Street, NW., Suite 800, Washington, DC 20004. Witnesses can testify in person or by telephone. Call-in information and a communication access real-time translation (CART) web streaming link will be posted on the Access Board's Passenger Vessels homepage at *http://www.access-board.gov/pvag/*. The hearing will be accessible to persons with disabilities. An assistive listening system, communication access real-time translation (in-person and streaming), sign language interpreters, and a call-in number will be provided. Persons attending the meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see *www.access-board.gov/about/policies/fragrance.htm* for more information).

FOR FURTHER INFORMATION CONTACT: Paul Beatty, Access Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111. Telephone: (202) 272–0012 (voice) or (202) 272–0072 (TTY). Email address: *pvag@access-board.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

1. Public Participation and Request for Comments
2. Executive Summary
3. Availability of Proposed Guidelines with Figures and Advisory Sections
4. Statutory and Regulatory Background
5. Rulemaking History
6. Barrier Removal, and Operational and Service Issues Addressed by DOT and DOJ
7. Discussion of Proposed Guidelines
8. Regulatory Analyses

In this preamble, ''we'' and ''our'' refer to the Architectural and Transportation Barriers Compliance Board (Access Board).[1]

1. Public Participation and Request for Comments

We encourage all persons interested in the rulemaking to submit comments on the proposed guidelines and the questions in the preamble. Instructions for submitting and viewing comments are provided above under Addresses. We will consider all the comments and may change the proposed guidelines based on the comments.

2. Executive Summary

Legal Authority and Purpose

We are required by section 502 of the Rehabilitation Act and section 504 of the Americans with Disabilities Act (ADA) to establish and maintain accessibility guidelines for the construction and alteration of passenger vessels covered by the ADA to ensure that the vessels are readily accessible to and usable by individuals with disabilities. We are issuing proposed accessibility guidelines for the construction and alteration of passenger vessels pursuant to this authority to address the discriminatory effects of architectural, transportation, and communication barriers encountered by individuals with mobility, hearing, and vision disabilities on passenger vessels. For example, the proposed guidelines would enable individuals with mobility disabilities to access and use passenger amenities on the vessels, such as seating areas, toilet rooms, and guest rooms.

The U.S. Department of Transportation (DOT) and U.S. Department of Justice (DOJ) are required to issue accessibility standards for the construction and alteration of passenger vessels covered by the ADA that are consistent with our guidelines. Passenger vessel owners and operators would not be required to comply with the guidelines until they are adopted by DOT and DOJ as accessibility standards for the construction and alteration of passenger vessels covered by the ADA.

Summary of Key Provisions

The proposed guidelines would apply to the construction and alteration of passenger vessels, other than ferries and tenders, permitted to carry more than 150 passengers or more than 49 overnight passengers; ferries permitted to carry more than 99 passengers; and tenders permitted to carry more than 59 passengers. The proposed guidelines would not apply to smaller passenger vessels because providing accessible features on those vessels present greater challenges due to space constraints and other considerations. The proposed guidelines, themselves, would not require existing passenger vessels to be made accessible except where altered.

The proposed guidelines contain proposed scoping and technical provisions. The proposed scoping

[1] The Access Board is an independent federal agency established by section 502 of the Rehabilitation Act. See 29 U.S.C. 792. The Access Board consists of 13 members appointed by the President from the public, a majority of which are individuals with disabilities, and the heads of 12 federal agencies or their designees whose positions are Executive Level IV or above. The federal agencies are: The Departments of Commerce, Defense, Education, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, Transportation, and Veterans Affairs; General Services Administration; and United States Postal Service.

provisions specify what passenger vessel features would be required to be accessible. Where multiple features of the same type are provided, the proposed scoping provisions specify how many of the features would be required to be accessible. The proposed technical provisions specify the design criteria for accessible features. The passenger vessel features addressed by the proposed scoping and technical provisions include onboard accessible routes connecting passenger decks and passenger amenities within decks; accessible means of escape; doorways and coamings; toilet rooms; wheelchair spaces in assembly areas and transportation seating areas; assistive listening systems; general emergency alarms; guest rooms; and other passenger amenities.

The most significant provisions in the proposed guidelines include the following:

• An elevator, or on certain passenger vessels a limited use-limited application elevator (LULA) or platform lift, would be required to connect passenger decks, unless one of ten proposed exceptions apply. The proposed provision would enable passengers with mobility disabilities to access and use the passenger amenities on the vessels. For new vessels, we estimate an elevator to cost $371,000; a LULA to cost $297,400; and a platform lift to cost $108,700.

• A minimum number of guest rooms with mobility features would be required on cruise ships. Cruise ships with 501 to 1,000 guest rooms would be required to provide a minimum of 3 percent of guest rooms with mobility features. Cruise ships with more than 1,000 guest rooms would be required to provide a minimum of 30 guest rooms with mobility features for the first 1,000 guest rooms (3 percent), plus 2 guest rooms with mobility features for each additional 100 guest rooms or fraction thereof over 1,000 (2 percent). The minimum number is consistent with data on the percentage of the population who use mobility devices. The proposed provision would enable passengers who use wheelchairs, scooters, or other mobility devices to access and use the guest rooms. We estimate the proposed provision would result in a gross revenue loss annualized over 20 years of $50 million discounted at 7 percent, and $58 million discounted at 3 percent for new cruise ships permitted to carry 300 or more overnight passengers.

Summary of Costs and Benefits

The primary estimates of the costs and benefits of the proposed guidelines are shown in Table 1. We estimate the total compliance costs of the proposed guidelines annualized over 20 years are $66 million discounted at 7 percent, and $74 million discounted at 3 percent. We do not quantify the benefits of the proposed guidelines due to the nature of the benefits. The proposed guidelines would address the discriminatory effects of architectural, transportation, and communication barriers encountered by individuals with mobility, hearing, and vision disabilities on passenger vessels. The proposed guidelines would afford these individuals equal opportunity to travel on passenger vessels for employment, transportation, public accommodation, and leisure. The proposed guidelines would enable these individuals to achieve greater participation in society, independent living, and economic self-sufficiency. The benefits are difficult to quantify, but include important national values recognized in Executive Order 13563 such as equity, human dignity, and fairness.

TABLE 1—PRIMARY ESTIMATES OF COSTS AND BENEFITS OF PROPOSED GUIDELINES ANNUALIZED OVER 20 YEARS

[2011 Dollars]

	7% Discount rate	3% Discount rate
Costs	$66 million	$74 million
Benefits	The proposed guidelines would address the discriminatory effects of architectural, transportation, and communication barriers encountered by individuals with mobility, hearing, and vision disabilities on passenger vessels. The proposed guidelines would afford these individuals equal opportunity to travel on passenger vessels for employment, transportation, public accommodation, and leisure. The benefits are difficult to quantify, but include important national values recognized in Executive Order 13563 such as equity, human dignity, and fairness.	

3. Availability of Proposed Guidelines With Figures and Advisory Sections

The proposed guidelines would be codified as an appendix to 36 CFR part 1196. The proposed guidelines with figures and advisory sections are available at: *http://www.access-board.gov/pvag/* and *http://www.regulations.gov*. The figures illustrate the technical provisions and do not establish mandatory requirements except for symbols. The proposed guidelines would require the use of symbols to identify elevator control buttons, the International Symbol of Accessibility, the International Symbol of TTY, and the International Symbol for Access to Hearing Loss. Since use of these symbols would be mandatory, the figures displaying the symbols are included in the proposed guidelines. The advisory sections provide guidance and are not mandatory requirements. However, some advisory sections reference related mandatory requirements to alert readers about those requirements.

Question 1. Can the figures be improved to better illustrate the technical provisions? Can the advisory sections be improved to provide better guidance?

4. Statutory and Regulatory Background

The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination against individuals with disabilities. See 42 U.S.C. 12101 et seq. Title II of the ADA applies to state and local governments and Title III of the ADA applies to places of public accommodation operated by private entities.[2] The ADA covers designated public transportation services provided by state and local governments and specified public transportation services provided by private entities that are primarily engaged in the business of transporting people and whose operations affect commerce.[3] See 42 U.S.C. 12141 to 12147 and 12184. Passenger vessels that provide designated public transportation

[2] Title III of the ADA covers twelve categories of places of public accommodation, including places of lodging, establishments serving food or drink, and places of exhibition or entertainment. See 42 U.S.C. 12181(7).

[3] The definitions of the terms designated public transportation and specified public transportation are similar and mean transportation by bus, rail, or any other conveyance that provides the general public with general or special service, including charter service, on a regular and continuing basis. See 42 U.S.C. 12141(2) and 12181(10).

services and specified public transportation services such as ferries and excursion vessels, and passenger vessels that are places of public accommodation such as vessels that provide dinner or sightseeing cruises are covered by the ADA.

We are required by section 502 of the Rehabilitation Act and section 504 of the ADA to establish and maintain accessibility guidelines for the construction and alteration of passenger vessels covered by the ADA to ensure that the vessels are readily accessible to and usable by individuals with disabilities. See 29 U.S.C. 792(b)(3) and 42 U.S.C. 12204.

The U.S. Department of Transportation (DOT) is responsible for issuing regulations to implement the transportation provisions of Titles II and III of the ADA. See 42 U.S.C. 12149 and 12186(a). DOT has issued regulations for passenger vessels used to provide designated public transportation services by state and local governments and specified public transportation services by private entities that are primarily engaged in the business of transporting people and whose operations affect commerce. See 49 CFR part 39.

The U.S. Department of Justice (DOJ) is responsible for issuing regulations to implement the other provisions of Titles II and III of the ADA. See 42 U.S.C. 12134 and 12186(b). DOJ has issued regulations for state and local governments and places of public accommodation operated by private entities, including public accommodations provided on passenger vessels such as cruise ships, gaming vessels, and dinner vessels. See 28 CFR parts 35 and 36.

Titles II and III of the ADA require DOT and DOJ to issue accessibility standards for the construction and alteration of passenger vessels covered by the law that are consistent with our guidelines. See 42 U.S.C. 12134(c), 12149(b), and 12186(c). DOT has reserved a subpart in its regulations for accessibility standards for passenger vessels in anticipation of these proposed guidelines. See 49 CFR part 39, subpart E. Passenger vessel owners and operators would not be required to comply with the guidelines until they are adopted by DOT and DOJ as accessibility standards for the construction and alteration of passenger vessels covered by the ADA.

5. Rulemaking History

We have developed and maintained accessibility guidelines for landside facilities for over 30 years. The guidelines for landside facilities represent the state-of-the-art for accessible design. We worked with passenger vessel owners and operators, the disability community, and other interested parties over the past 15 years to address the unique constraints of the marine environment and adapt the guidelines for landside facilities to passenger vessels.

Passenger Vessel Access Advisory Committee

In 1998, we convened a Passenger Vessel Access Advisory Committee comprised of passenger vessel owners and operators, industry trade groups, disability advocacy groups, and state and local government agencies to recommend how to adapt the guidelines for landside facilities to passenger vessels. The advisory committee submitted a report with recommended guidelines in 2000.

2004 Draft Guidelines and ANPRM

Based on the advisory committee's report, we developed draft guidelines for passenger vessels permitted to carry more than 150 passengers or more than 49 overnight passengers. In 2004, we released the draft guidelines for comment and issued an advance notice of proposed rulemaking (ANPRM) on small passenger vessels permitted to carry 150 or fewer passengers or 49 or fewer overnight passengers. See 69 FR 69244 and 69245, November 26, 2004. The ANPRM requested comment on whether and how to develop accessibility guidelines for small passenger vessels. We held hearings in Washington, DC and Los Angeles on the 2004 draft guidelines and the ANPRM, and received more than 90 comments.

2006 Draft Guidelines

Based on the comments on the 2004 draft guidelines and ANPRM, we revised the draft guidelines in 2006 to cover all ferries; other passenger vessels permitted to carry more than 150 passengers or 49 overnight passengers; and tenders permitted to carry more than 59 passengers. We released the 2006 draft guidelines for comment. See 71 FR 38563, July 7, 2006. We received more than 175 comments on the 2006 draft guidelines.

Case Studies

Between 2005 and 2008, we conducted case studies of ten passenger vessels to identify the impact of the draft guidelines on the vessels. We worked with vessel owners and operators, naval architects, and ship builders to review the original designs of the vessels and to identify design changes that would be needed to meet the draft guidelines. The naval architects and ship builders estimated the cost of the design changes, and considered the impact of the design changes on the passenger vessel's space, fuel consumption, and stability. We prepared reports on the case studies. We updated the case study reports to reflect changes to the proposed guidelines from earlier drafts and to adjust the cost estimates to 2011 dollars.

Passenger Vessel Emergency Alarms Advisory Committee

Comments on the 2006 draft guidelines raised issues about emergency alarm systems on passenger vessels alerting passengers who are deaf or have a hearing loss. We convened a Passenger Vessel Emergency Alarms Advisory Committee in 2007 comprised of passenger vessel owners and operators, industry trade groups, organizations representing individuals who are deaf or have a hearing loss, and standard setting organizations to address the comments. The advisory committee submitted a report with its recommendations in 2008. The advisory committee recommended that general emergency alarm systems include visible elements to alert passengers who are deaf or have a hearing loss, and recommended safeguards against triggering photosensitive seizures in individuals with epilepsy. The advisory committee recommended that the visible elements on U.S. flag vessels comply with the NFPA 72 National Fire Alarm Code. The advisory committee recommended that the U.S. Coast Guard work with the International Maritime Organization to develop guidelines for including visible elements in general emergency alarm systems on foreign flag vessels. The International Maritime Organization approved non-mandatory guidelines for including visible elements in general emergency alarm systems in 2012.[4]

The advisory committee recommended that portable devices be permitted in guest rooms, and that the Cruise Lines International Association develop guidelines to ensure that portable devices would be effective and reliable in alerting and awakening passengers who are deaf or have a hearing loss when general emergency alarms and guest room smoke detector alarms are activated. The Cruise Lines International Association convened a group to develop guidelines for portable

[4] International Maritime Organization, Guidelines for the Design and Installation of a Visible Element to the General Emergency Alarm System on Passenger Ships, MSC.1/Circ. 1418, June 13, 2012 at: *http://www.imo.org/OurWork/Circulars/Pages/IMODOCS.aspx*.

devices but, after the group met, it concluded that it did not have the expertise for the task. The advisory committee also recommended that assistive listening systems and visual displays be used to communicate safety briefings and emergency instructions to passengers who are deaf or have a hearing loss.

2008 Draft Guidelines

Based on the comments on the 2006 draft guidelines and the case studies, we revised the draft guidelines in 2008. The 2008 draft guidelines covered ferries permitted to carry more than 99 passengers; other passenger vessels permitted to carry more than 150 passengers or more than 49 overnight passengers; and tenders permitted to carry more than 59 passengers.

The advisory committee reports, ANPRM, earlier drafts of the guidelines, comments on the ANPRM and earlier drafts of the guidelines, updated case study reports, and other background information on the proposed guidelines are available at: *http://www.access-board.gov/pvag/*. We used all this information to develop the proposed guidelines.

6. Barrier Removal, and Operational and Service Issues Addressed by DOT and DOJ

Comments on earlier drafts of the guidelines were concerned about the impact of the guidelines on barrier removal in existing passenger vessels. The ADA requires private entities to remove architectural, communication, and transportation barriers in existing facilities where it is readily achievable. See 42 U.S.C. 12182(b)(2)(A)(iv). The ADA defines readily achievable as easily accomplishable and able to be carried out without much difficulty or expense, and includes factors for determining whether an action is readily achievable. See 42 U.S.C. 12181(9). DOJ has issued regulations on barrier removal in public accommodations that apply to public accommodations on passenger vessels. See 28 CFR 36.304. The passenger vessels accessibility guidelines are not required to be used for barrier removal until DOJ adopts them as accessibility standards for the construction and alteration of passenger vessels. When DOJ issues accessibility standards for the construction and alteration of passenger vessels, it will address the application of the passenger vessels standards to barrier removal.

Comments on earlier drafts of the guidelines also noted operational and service issues that affect accessibility, including passageways blocked by luggage or housekeeping carts; need for real time captioning of announcements; and access to shore excursions offered by cruise ships. DOT and DOJ are responsible for issuing regulations pertaining to operational and service issues. DOT and DOJ have issued regulations addressing maintenance of accessible features (28 CFR 35.133 and 36.211), and auxiliary aids and services to ensure effective communication (28 CFR 35.160 and 36.303; and 49 CFR 39.51 and 39.89).

7. Discussion of Proposed Guidelines

The proposed guidelines consist of 11 chapters. Chapter V 1 addresses the application and administration of the proposed guidelines. Chapter V 2 contains proposed scoping provisions. Chapters V 3 through V 10 contain proposed technical provisions. Chapter V 11 contains proposed scoping and technical provisions for tenders.

We are committed to writing guidelines that are clear, concise, and easy to understand so that persons who use the guidelines know what is required.

Question 2. Is there language in the proposed guidelines that is ambiguous or not clear? Comments should identify specific language in the proposed guidelines that is ambiguous or not clear and, where possible, recommend language that is clear.

The proposed guidelines use mandatory language (i.e., shall) so DOT and DOJ can adopt the guidelines as accessibility standards. Passenger vessel owners and operators would not be required to comply with the guidelines until they are adopted by DOT and DOJ as accessibility standards for the construction and alteration of passenger vessels covered by the ADA.

We tried to avoid conflicts with mandatory requirements of foreign nations for foreign flag vessels. The DOT regulations establish a procedure for requesting a waiver where a mandatory requirement of a foreign nation precludes compliance with a requirement in the DOT regulations. See 49 CFR 39.9. When DOT issues accessibility standards for the new construction and alteration of passenger vessels subject to its jurisdiction, owners and operators of foreign flag vessels can use the procedure in the DOT regulations to request a waiver where a mandatory requirement of a foreign nation precludes compliance with a provision in the accessibility standards.

Chapter V 1: Application and Administration

V101 Purpose

The proposed guidelines contain proposed scoping and technical provisions to ensure that passenger vessels are readily accessible to and usable by individuals with disabilities. The proposed scoping and technical provisions are to be applied during the design, construction, additions to, and alteration of passenger vessels to the extent required by regulations issued by DOT and DOJ under the ADA.

V102 Dimensions for Adults and Children

The proposed guidelines are based on adult dimensions and anthropometrics. The proposed guidelines include proposed technical provisions based on children's dimensions and anthropometrics for drinking fountains, water closets, toilet compartments, lavatories and sinks, and tables and counters.

V103 Equivalent Facilitation

The use of alternative designs or technologies that result in substantially equivalent or greater accessibility than specified in the proposed guidelines would be permitted.

V104 Standard Practices

Dimensions that are not stated as maximum or minimum would be absolute. Absolute dimensions would be subject to conventional industry tolerances. Slopes would be measured when the passenger vessel is in a static design condition at full load. This section also addresses calculation of percentages.

V105 Referenced Standards

This section lists standards that are referenced in the proposed guidelines and where the standards can be obtained. The proposed guidelines would require U.S. flag vessels equipped with a general emergency alarm system or smoke alarms in guest rooms to provide visible notification appliances complying with the NFPA 72 National Fire Alarm Code in public areas and in guest rooms with communication features. The proposed guidelines also would require passenger vessels that provide play areas to comply with the ASTM F1292 Standard Specification for Impact Attenuation of Surface Systems Under and Around Play Equipment and ASTM F1951 Standard Specification for Determination of Accessibility of Surface Systems Under and Around Play Equipment.

Earlier drafts of the guidelines considered referencing U.S. safety standards for power assisted and power operated doors, elevators, platform lifts, and sprinkler systems. Comments from the cruise industry noted that foreign flag vessels comply with foreign safety standards that may conflict with U.S. safety standards. To avoid conflicts, the proposed guidelines do not reference these U.S. safety standards.

V106 Definitions

This section defines terms used in the proposed guidelines. The term administrative authority is used throughout the proposed guidelines and is defined in this section.[5] For U.S. flag vessels, the administrative authority would be the U.S. Coast Guard. For foreign flag vessels, the administrative authority would be the entity designated by the foreign nation that adopts or enforces regulations and guidelines for the design, construction, or alteration of passenger vessels. The other defined terms are discussed under the section where the term is used. Terms not defined in the proposed guidelines, DOT and DOJ regulations implementing the ADA, U.S. Coast Guard regulations, or standards referenced in the guidelines would be defined by collegiate dictionaries.

Chapter V 2: Scoping Requirements

Chapter V 2 contains proposed scoping provisions that specify the passenger vessels to which the proposed guidelines would apply and what features would be required to comply with the proposed technical provisions in Chapters V 3 through V 11.

V201.1 Scope

The proposed guidelines would apply to all areas of newly designed and newly constructed passenger vessels and altered portions of existing passenger vessels with passenger capacities described below, unless a provision in the guidelines would exempt an area or limit the number of features that would be required to comply with the guidelines where multiple features of the same type are provided.

V201.1.1 Large Vessels

The Passenger Vessel Access Advisory Committee recommended guidelines for passenger vessels subject to U.S. Coast Guard regulations in 46 CFR Chapter I, Subchapters H and K.[6] Subchapter H covers passenger vessels that are 100 gross tons or more, and carry more than 12 passengers or are a ferry and carry at least 1 passenger.[7] See 46 CFR 70.05–1. Subchapter K covers passenger vessels that are less than 100 gross tons, and carry more than 150 passengers or more than 49 overnight passengers. See 46 CFR 114.110. Because determining the gross tonnage of a passenger vessel is a complicated process and many foreign flag vessels are not subject to U.S. Coast Guard regulations, the 2004 draft guidelines considered covering passenger vessels based on the Subchapter K passenger capacity (i.e., carry more than 150 passengers or more than 49 overnight passengers). Comments on the 2004 draft guidelines, including comments from the Passenger Vessel Association, supported this approach. The proposed guidelines would apply to passenger vessels, other than ferries and tenders, permitted to carry more than 150 passengers or more than 49 overnight passengers.[8]

As shown in Table 2, we estimate there were 346 multi-purpose vessels such as excursion and dinner vessels permitted to carry more than 150 passengers, and 145 cruise ships permitted to carry more than 49 overnight passengers operating in U.S. ports as of 2010–2011. The vessels are listed in Appendices I and II to the regulatory assessment, along with the data sources.

TABLE 2—MULTI-PURPOSE VESSELS PERMITTED TO CARRY MORE THAN 150 PASSENGERS AND CRUISE SHIPS PERMITTED TO CARRY MORE THAN 49 OVERNIGHT PASSENGERS OPERATING IN U.S. PORTS AS OF 2010–2011

Vessel type	Number of vessels
Multi-Purpose Vessels	[1] 346
Small Cruise Ships (50 to 299 overnight passengers)	[1] 32
Large Cruise Ships (300 or more overnight passengers)	[2] 113

Notes:
[1] Vessels as of 2010.
[2] Vessels as of 2011.

We request comment on this proposed scoping provision for large passenger vessels.

Question 3. Should alternative scoping provisions apply to large passenger vessels? Comments should explain the basis for recommending alternative scoping provisions for large passenger vessels.

We conducted case studies of two multi-purpose vessels and one small cruise ship to estimate the incremental cost to construct the vessels in compliance with the proposed guidelines, and the additional annual operation and maintenance costs due to the proposed guidelines. We did not conduct case studies of large cruise ships because we could not find cruise ship owners or operators to participate in case studies.[9]

We present in Table 3 our estimates of the incremental construction costs for the case study vessels, which is difference between the cost of constructing the vessels in the absence of the proposed guidelines (pre-guidelines construction cost) and the cost of constructing the vessels in

[5] The administrative authority is referred to in the following sections: V202.3 Exception 3 (alterations); V207.1 (accessible means of escape); V302.3 Exception 2 (openings); V307.4 Exception 2 (vertical clearance at doorways with coamings); V404.2.5 Exception (thresholds and coamings); V404.2.7 Exception 1 (door hardware force); V404.2.9.1 and V404.2.9.2 Exception (door operating force); V503.4 Exception (handrail height along walking surfaces); V604.5.2 Exception 2 (grab bars at water closets); V703.5.6 Exception 2 (mounting height for signs); and V802.1.5 (wheelchair spaces).

[6] The advisory committee recommended different guidelines for smaller passenger vessels subject to U.S. Coast Guard regulations in 46 CFR Chapter I, Subchapters C and T.

[7] Gross tonnage is a measure of a passenger vessel's volume. See 46 CFR part 69.

[8] Separate scoping provisions are proposed for ferries and tenders in V201.1.2 and V201.1.3.

[9] New large cruise ships provide many of the accessible features that would be required by the proposed guidelines, including elevators to connect passenger decks; guest rooms with mobility features; guest rooms with communication features; wheelchair spaces and assistive listening systems in assembly areas; and pool lifts. The cruise industry is concerned that the proposed scoping provision for guest rooms with mobility features would result in a loss of guest rooms and revenue. We discuss this issue under V224.2 Guest Rooms with Mobility Features.

compliance with the proposed guidelines (post-guidelines construction cost), as a percent increase in construction costs. Our estimates of the pre-guidelines construction costs and incremental construction costs for the case study vessels are presented in dollars in the case study reports and in Table 7 in the regulatory assessment. The construction costs for the case study vessels would increase by 3.2 percent to 9.9 percent. One case study vessel has two entry decks and currently provides an inclined platform lift to connect the two entry decks. The inclined platform lift is included in the pre-guidelines construction cost. If the vessel did not provide an inclined platform lift, the construction costs would increase by 5.3 percent if an inclined lift is provided, and 8.1 percent if a vertical platform lift is provided. One case study vessel would have a 5 percent to 10 percent annual increase in fuel consumption due to the proposed guidelines.

TABLE 3—ESTIMATED COMPLIANCE COSTS FOR CASE STUDY MULTI-PURPOSE VESSELS AND SMALL CRUISE SHIP

Case study vessels	Percent increase in construction costs	Additional annual operation and maintenance costs
300 Passenger Excursion Vessel	[1] 3.2%	Not significant.
600 Passenger Dinner Vessel	9.9%	5% to 10% increase in fuel consumption.
120 Passenger Small Cruise Ship	3.2%	Not significant.

Note:
[1] The vessel has two entry decks and currently provides an inclined platform lift to connect the two entry decks. The inclined platform lift is included in the pre-guidelines construction cost. If the vessel did not provide an inclined platform lift, the construction costs would increase by 5.3% if an inclined lift is provided, and 8.1% if a vertical platform lift is provided.

V201.1.2 Ferries

A ferry would be defined in V106.5 as a vessel that is used on a regular schedule to: (1) Provide transportation only between places that are not more than 300 miles apart; and (2) transport only passengers, or vehicles or railroad cars used in transporting passengers or goods. This definition is based on the definition of a ferry in 46 U.S.C. 2101 (10b).

Ferries differ from multi-purpose vessels and cruise ships that are used primarily for leisure purposes. Ferries serve a critical transportation function. Ferries provide commuter services in major metropolitan areas on both coasts, and link roadways and communities separated by bodies of water. Ferries transport people to work, school, health care facilities, and other places critical to daily living. Because ferries serve a critical transportation function, the 2006 draft guidelines considered covering all ferries regardless of passenger capacity. Comments from ferry owners and operators and the Passenger Vessel Association did not support this approach because it would be more difficult and costly for small ferries to comply with the draft guidelines. Based on the comments, the 2008 draft guidelines considered covering ferries permitted to carry more than 99 passengers.

Like the 2008 draft guidelines, the proposed guidelines would apply to ferries permitted to carry more than 99 passengers. The proposed scoping provision for ferries is broader than for multi-purpose vessels because ferries serve a critical transportation function. The 2008 National Census of Ferry Operators shows that about 700 active ferries provided an estimated 106 million passenger trips in 2007.[10] The ferries operated in 37 states and 3 U.S. territories. We estimate there were 454 ferries permitted to carry more than 99 passengers as of 2010. As shown in Table 4, 221 of these ferries are permitted to carry between 100 and 150 passengers, and 130 of these ferries are permitted to carry 149 or 150 passengers.[11] The ferries are listed in Appendix I to the regulatory assessment, along with the data sources. Applying the same scoping provision proposed for multi-purpose vessels to ferries would result in many ferries being inaccessible to individuals with disabilities.

TABLE 4—FERRIES PERMITTED TO CARRY BETWEEN 100 AND 150 PASSENGERS AS OF 2010

Passenger capacity	Multi-hull ferries	Mono-hull ferries		Total
		Passengers only	Passengers and vehicles	
150	16	27	7	50
149	28	21	31	80
140–148	4	21	15	40
130–139	0	1	5	6
120–129	1	3	2	6
110–119	2	3	9	14
100–109	2	7	6	15
Total	53	83	75	221

We request comment on the proposed scoping provision for ferries.

Question 4. Should alternative scoping provisions apply to ferries? Comments should explain the basis for

[10] U.S. Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics, 2008 National Census of Ferry Operators Highlights at: *http://apps.bts.gov/programs/ncfo/*.

[11] Ferries that carry 150 or fewer passengers are subject to U.S. Coast Guard regulations in 46 CFR Chapter I, Subchapter T. Ferries that carry more than 150 passengers or 49 overnight passengers are subject to U.S. Coast Guard regulations in 46 CFR Chapter I, Subchapter K.

recommending alternative scoping provisions for ferries.

We conducted case studies of seven ferries to estimate the incremental construction costs and additional annual operation and maintenance costs due to the proposed guidelines. Where the proposed guidelines would result in a reduction of passenger or vehicle capacity or a reduction of passenger amenities such as fixed seating or storage space provided on the vessel, the case studies examined two design options.[12] The first design option did not increase the ferry size; the second design option increased the ferry size to maintain the passenger and vehicle capacity, and the same passenger amenities.[13] As shown in Table 5, the construction costs for the case study ferries permitted to carry more than 300 passengers would increase by 1.2 percent to 4.2 percent. The construction costs for the case study ferries permitted to carry 149 to 150 passengers would increase by less than 1 percent to 1.8 percent for the first design option (ferry size not increased), and by 6.7 percent to 12.5 percent for the second design option (ferry size increased). The construction costs for the 108 passenger multi-hull ferry would increase by 1.1 percent for the first design option (ferry size not increased), and 24.5 percent for the second design option (ferry size increased). The construction cost increase for the 108 passenger multi-hull ferry is high for the second design option because the ferry owner wanted to lengthen the ferry by 10 feet based on the owner's experience with a larger ferry, instead of the 5 feet minimum needed to maintain the ferry's seating and storage capacity. If the 108 passenger multi-hull ferry is lengthened by 5 feet, instead of 10 feet, the construction costs would increase by 14 percent to 17 percent, instead of 24.5 percent.

TABLE 5—ESTIMATED COMPLIANCE COSTS FOR CASE STUDY FERRIES

Case study ferry	Percent increase in construction costs	Additional annual operation and maintenance costs
108 Passenger Multi-Hull Ferry	Design Option 1: Ferry Size Not Increased	
	1.1%; 6 to 8 seats and storage lost; Revenue loss not estimated.	None.
	Design Option 2: Ferry Size Increased	
	24.5%[1]; No seats or storage lost	18% increase in fuel consumption.
149 Passenger Multi-Hull Ferry	Design Option 1: Ferry Size Not Increased	
	1.8%; 7 seats lost; Annual revenue loss: $134,500.	None.
	Design Option 2: Ferry Size Increased	
	12.5%; No seats lost	3% to 6.6% increase in fuel consumption.
150 Passenger & 20 Vehicle Mono-Hull Ferry	Design Option 1: Ferry Size Not Increased	
	Less than 1%; One vehicle space lost; Annual revenue loss: $51,000 to $86,000.	None.
	Design Option 2: Ferry Size Increased	
	6.7%; No vehicle space lost	Not significant.
300 Passenger & 40 Vehicle Mono-Hull Ferry	3.0%; 2 to 4 seats lost[2]	Not significant.
399 Passenger Mono-Hull Ferry	2.2%; 10 seats lost[2]	None.
450 Passenger Multi-Hull Ferry	Design Option 1: Ferry Size Not Increased	
	1.2%; 42 to 59 seats lost; Revenue loss not estimated.	None.
	Design Option 2: Ferry Size Increased	
	4.2%; No Seats Lost	10% increase in fuel consumption.
4,400 Passenger & 30 Vehicle Mono-Hull Ferry	1.3%; 50 seats lost[2]	$1,100 to $1,300 per automatic door.

Notes:

[1] The ferry owner wanted to lengthen the ferry by 10 feet for second design option based on the owner's experience with a larger ferry, instead of the 5 feet minimum needed to maintain the ferry's seating and storage capacity. If the ferry is lengthened by 5 feet, instead of 10 feet, the construction costs would increase by 14% to 17%, instead of 24.5%. The annual increase in fuel consumption would also be less if the ferry is lengthened by 5 feet, instead of 10 feet.

[2] The case study does include a second design option because the ferry owner was not concerned about the loss of some fixed seating.

[12] The U.S. Coast Guard regulations for passenger vessels subject to 46 CFR Chapter I, Subchapters K and T base the maximum number of passengers permitted on the vessels on the length of rail criterion, deck area criterion, or fixed seating criterion, or a combination of these criteria. See 46 CFR 115.113 and 176.113.

[13] The owners of some of the larger case study ferries were not concerned about the loss of some fixed seating due to the proposed guidelines. The case studies of these ferries do not include a second design option.

The proposed provisions for onboard accessible routes, toilet rooms, wheelchair spaces in transportation seating areas, and assistive listening systems are estimated to have the highest compliance costs for ferries. As discussed under V206 Onboard Accessible Routes, ten exceptions are proposed for onboard accessible routes to connect decks, and five of these exceptions are proposed to reduce the compliance costs for small vessels and high-speed vessels.

Three of the case study ferries would have an annual increase in fuel consumption due to the proposed guidelines under the second design option. One case study ferry would have additional annual maintenance costs for providing automatic doors at doorways with coamings and double ramps.

We may conduct additional case studies of ferries permitted to carry between 100 and 150 passengers to obtain additional information on the compliance costs for these ferries. Owners and operators of ferries that were recently constructed who are interested in participating in a case study are encouraged to contact us. Based on review of the comments and any additional case studies, we may specify a different passenger capacity in the final guidelines for ferries that are covered by the guidelines or modify some of the provisions that would apply to ferries with certain passenger capacities.

Question 5. We request comment on the following questions regarding ferries permitted to carry between 100 and 150 passengers:

(a) Is additional information available for estimating the compliance costs for these ferries, including incremental design, construction, operation and maintenance, lost net revenue, and any other costs?

(b) Would owners of these ferries reduce the passenger and vehicle capacity or reduce any passenger amenities such as fixed seating when the ferries are replaced due to the proposed guidelines, or would owners increase the size of the ferries to maintain the passenger and vehicle capacity, and the same passenger amenities? If the passenger and vehicle capacity would be reduced or any passenger amenities would be reduced, we are interested in information to estimate the cost of such effects.

(c) Is there information available or methods for estimating the benefits of the proposed guidelines for these ferries such as number of new trips by passengers with disabilities or number of trips that would result in improved access for passengers with disabilities?

(d) Would the proposed guidelines have any unintended consequences for these ferries such as safety or vessel stability issues, slower travel times, docking issues due to increasing the size of the vessels, or inconveniences for other passengers such as fewer seats, less standing space, or fewer toilet rooms? If so, we are interested in information to estimate the cost of such effects.

(e) Are there alternative provisions for onboard accessible routes, toilet rooms, wheelchair spaces in transportation seating areas, assistive listening systems, or other features addressed by the proposed guidelines that would reduce the compliance costs for these ferries?

V201.1.3 Tenders

A tender would be defined in V106.5 as a vessel primarily intended for transporting passengers for non-emergency purposes between passenger vessels and shore-side facilities. Because it would be difficult for inflatable tenders to comply with the proposed guidelines and inflatable tenders do not carry more than 59 passengers, the proposed guidelines would apply to tenders permitted to carry more than 59 passengers. The proposed guidelines would require tenders to comply only with the proposed provisions in Chapters V 1 and V 11 because of the limited passenger amenities on tenders. Existing tenders that are not altered, including those that serve newly constructed vessels, would not be required to comply with the proposed guidelines. We request comment on the proposed scoping provision for tenders.

We do not have data on the number of existing tenders that carry more than 59 passengers. We did not conduct a case study of a tender because the proposed provisions for tenders in Chapters V 1 and V 11 are minimal and new tenders met the provisions.

V202 Existing Passenger Vessels

When additions or alterations are made to existing passenger vessels, this section would require the additions or alterations to comply with the proposed provisions for new construction. An addition would be defined in V106.5 as an expansion, extension, or increase in the gross deck area of a passenger vessel. An alteration would be defined in V106.5 as a change to a passenger vessel that affects or could affect the usability of the passenger vessel or portion thereof. Alterations would include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of bulkheads and partitions. The definition would exclude normal maintenance, painting or wallpapering, or changes to propulsion, mechanical, and electrical systems unless they affect the usability of the passenger vessel.

Only the portions of a passenger vessel that are altered would be required to comply with the proposed provisions for new construction. For example, if a toilet room on a passenger vessel is altered, the altered portions of the toilet room would be required to comply with the applicable proposed provisions for new construction. Earlier drafts of the proposed guidelines included a provision that would have required a path of travel to altered areas containing a primary function. This provision is not included in the proposed guidelines because the DOJ regulations require a path of travel to altered areas containing a primary function. See 28 CFR 35.151(b) and 36.403.

Three general exceptions are proposed in this section for alterations to existing passenger vessels. Exception 1 would not require an onboard accessible route where elements or spaces are altered but the circulation path to the altered elements or spaces is not altered.

Exception 2 would require alterations to comply with the proposed guidelines to the maximum extent feasible where compliance is technically infeasible. Technically infeasible would be defined in V106.5 with respect to an alteration as something that has little likelihood of being accomplished because existing structural conditions would require removing or altering an essential structural member; or because other existing physical or vessel constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the guidelines.

Exception 3 would require alterations to provide accessibility to the maximum extent feasible where compliance with the proposed guidelines would result in any of the following:

- An increase in tonnage that changes the passenger vessel's classification from 46 CFR Chapter I, Subchapter T (Small Passenger Vessels (Under 100 Gross Tons)) or 46 CFR Chapter I, Subchapter K (Small Passenger Vessels Carrying More Than 150 Passengers or With Overnight Accommodations For More Than 49 Passengers) to 46 CFR

Chapter I, Subchapter H (Passenger Vessels);[14]

- A violation of the minimum requirements established by the administrative authority for the stability of the vessel;
- A reduction in the structural integrity or fire resistance of a Class A or B bulkhead or deck surface; or
- An increase in power load in excess of the existing power supply.

Specific exceptions are also proposed in certain proposed provisions for alterations to existing passenger vessels, including:

- Platform lifts would be permitted as a component of onboard accessible routes in alterations to existing passenger vessels. V206.7 Exception.
- An accessible means of escape would not be required in alterations to existing passenger vessels. V207.1 Exception 2.
- A unisex toilet room would be permitted in alterations to existing passenger vessels where it is technically infeasible for existing toilet rooms to comply with the proposed guidelines provided the unisex toilet room is located in the same area and on the same deck as the existing non-complying toilet rooms. V213.2 Exception 2.
- Visible alarms in public areas would not be required in alterations to existing passenger vessels unless an existing alarm system is upgraded or replaced, or a new alarm system installed. V215.1 Exception 2.
- Thresholds ¾ inch high maximum would be permitted at doorways without coamings in alterations to existing passenger vessels provided the thresholds have a beveled edge on each side with a slope not steeper than 1:2. V404.2.5.1 Exception.
- Running slopes not steeper than 1:8 for a maximum rise of 3 inches and not steeper than 1:10 for a maximum rise of 6 inches would be permitted in alterations to existing passenger vessels where necessary due to space limitations. V405.2 Exception.
- Elevator cars in altered elevators would not be required to comply with the proposed provision for car dimensions where the existing elevator car configuration provides a clear deck area 16 square feet minimum; an inside clear depth of 54 inches minimum; and an inside clear depth 36 inches minimum. V407.4.1 Exception.
- Alternative dimensions are proposed for sales and service counters in alterations to existing passenger vessels where compliance with the proposed provisions would result in a reduction of the number of existing counters at work stations. V904.4 Exception.

Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the proposed provisions for onboard accessible routes or toilet rooms would threaten or destroy the historic significance of a qualified historic passenger vessel, exceptions are proposed for those features in V206.2.1 Exception 10 and V213.2 Exception 2.

We request comment on the proposed exceptions for alterations to existing passenger.

Question 6. Should additional exceptions be provided for alterations to existing passenger vessels? Comments should explain the basis for recommending additional exceptions.

We requested comment on the types and frequency of alterations to existing passenger vessels in earlier drafts of the guidelines. The Cruise Lines International Association (formerly International Council of Cruise Lines) responded that when a new deck or mid-section is added to an existing cruise ship, it may not always be feasible for existing circulation paths on the vessel to comply with the proposed provisions for onboard accessible routes. The proposed guidelines would not require existing circulation paths that are not otherwise altered to comply with the proposed provisions for onboard accessible routes when a new deck or mid-section is added to a cruise ship.

Question 7. How many new decks or mid-sections are added to cruise ships in a year? What features in the new decks or mid-sections would need to comply with the proposed guidelines? Comments should include information to estimate the compliance costs.

Individual passenger vessel owners and operators responded that alterations generally involve installing new motors and pumps; redecorating toilet rooms; and changing chairs and equipment such as the beverage dispenser and dish washing machine on a dinner vessel. The Passenger Vessel Association responded that passenger vessels generally do not undergo major alterations if there is no change in ownership because it would trigger a need to comply with subsequently developed U.S. Coast Guard regulations. According to the Passenger Vessels Association, small cosmetic changes are made when a passenger vessel is transferred to a new owner in similar service. Small cosmetic changes generally would not trigger a need to comply with the proposed guidelines. The Passenger Vessel Association noted that if a passenger vessel changes service, more extensive changes may be undertaken. For example, if an excursion vessel changes service to a dinner vessel, a galley would be added, passenger space lay outs would be changed, bulkheads may be moved, and stairways may be added or relocated.

Question 8. How many passenger vessels change service in a year? What altered features would need to comply with the proposed guidelines when passenger vessels change service? Comments should include information to estimate the compliance costs.

Question 9. In addition to adding new decks and mid-sections to cruise ships and undertaking alterations when passenger vessels change service, what other alterations are undertaken to existing passenger vessels that would need to comply with the proposed guidelines? How often are these alterations undertaken? We are interested in information to estimate the compliance costs.

V203 General Exceptions

This section proposes to exempt the following from the proposed guidelines: areas and features intended for use by employees only; limited access spaces; water slides; raised diving boards; certain diving and swimming platforms; raised boxing and wrestling rings; and furnishings that are not fixed to the vessel. Where necessary to meet camber and sheer needs of the passenger vessel, running slopes and cross slopes would be required to meet the applicable technical provisions to the maximum extent feasible.

V204 Protruding Objects

Protruding objects along circulation paths, including objects mounted on wall surfaces and posts, are hazardous to passengers who are blind or have low vision. This section would require protruding objects on circulation paths to comply with the proposed technical provisions for protruding objects in V307, including protrusion limits (V307.2); required clear width (V307.3); and vertical clearance (V307.4). U.S. Coast Guard regulations for passenger vessels subject to 46 CFR Chapter I, Subchapters H and K require stairways and stair towers to be clear of all obstructions other than handrails. See 46 CFR 72.05–20 and 116.438(e). This section would require stairways and stair towers that are required to comply with these U.S. Coast Guard regulations

[14] U.S. Coast Guard regulations in 46 CFR Chapter I, Subchapter H have different requirements for vessels than the regulations in 46 CFR Chapter I, Subchapters T and K.

to be clear of all obstructions other than handrails to avoid conflicts.

The section would not apply to circulation paths used only by employees since V203.2 would not require employee areas to comply with the proposed guidelines. Two exceptions are proposed. Exception 1 would exempt circulation paths within areas of sport activity. Exception 2 would exempt certain circulation paths within play areas.

V205 Operable Parts

An operable part would be defined in V106.5 as a component of an element used to insert or withdraw objects, or to activate, deactivate, or adjust the element. This section would require operable parts on accessible elements, on onboard accessible routes, and in accessible rooms and spaces to meet the proposed technical provisions in V309, including clear deck space (V309.2); height (V309.3); and operation (V309.4). Exceptions are proposed for operable parts used only by employees, certain electrical or communication receptacles, HVAC diffusers, redundant controls other than light switches, and exercise machines.

V206 Onboard Accessible Routes

This section contains proposed scoping provisions for onboard accessible routes, which are discussed below.

Onboard Accessible Routes To Connect Passenger Decks

The proposed scoping provision in V206.2.1 would require at least one onboard accessible route to connect each passenger deck and mezzanine on multi-deck passenger vessels. Where a passenger vessel has more than one entry deck, the section would require at least one onboard accessible route to connect each entry deck. A deck would be defined in V106.5 as a horizontal division of a passenger vessel that contains space designed for passenger occupancy and generally corresponds to a story in a building. A horizontal division without enclosed space, such as a sun deck, would be considered a deck even though it is not provided with a covering. An entry deck would be defined in V106.5 as a deck that contains passenger entry and departure points that allow pedestrian passengers to embark or disembark a passenger vessel from fixed or floating piers, the land, or tenders in non-emergency situations.

The proposed scoping provision in V206.6 would require an elevator complying with the proposed technical provisions in V407 to connect the passenger decks. The proposed scoping provision in V206.6 would permit a limited use-limited application elevator (LULA) complying with the proposed technical provisions in V408 to connect passenger decks on certain passenger vessels. A LULA is a passenger elevator that is limited in use and application by size, capacity, speed, and rise. Safety codes limit the maximum rise of a LULA to 25 feet.[15] A LULA can be used to connect up to three decks. The Passenger Vessel Access Advisory Committee recommended that a LULA be permitted to connect decks on passenger vessels that are less than 5,000 gross tonnage calculated in accordance with the International Convention on the Tonnage Measurement of Ships. The Passenger Vessel Access Advisory Committee also recommended that where more than one elevator is provided on passenger vessels that are less than 10,000 gross tonnage calculated in accordance with the International Convention on the Tonnage Measurement of Ships, that the additional elevators be permitted to be a LULA. The proposed guidelines would permit a LULA to connect decks on passenger vessels that are less than 10,000 gross tonnage calculated in accordance with the International Convention on the Tonnage Measurement of Ships. We assume 85 passenger vessels listed in Appendix I to the regulatory assessment, which have 3 passenger decks and are not eligible to use the exceptions discussed below, are less than 10,000 gross tonnage calculated in accordance with the International Convention on the Tonnage Measurement of Ships, and new vessels that replace these vessels would be permitted to provide a LULA to connect the decks. We also assume 12 passenger vessels listed in Appendix I to the regulatory assessment, which have 2 passenger decks and would need to provide access to passenger amenities that are not located on an entry deck such as transportation seating areas on a vehicle ferry, are less than 10,000 gross tonnage calculated in accordance with the International Convention on the Tonnage Measurement of Ships, and new vessels that replace these vessels would be permitted to provide a LULA to connect the decks.

Question 10. Are any of the vessels listed in Appendix I to the regulatory assessment that we assume to be less than 10,000 gross tonnage calculated in accordance with the International Convention on the Tonnage Measurement of Ships and would be permitted to provide a LULA to connect decks actually 10,000 or more gross tonnage?

Question 11. Should criterion other than gross tonnage be used to determine when passenger vessels would be permitted to provide a LULA to connect decks?

The proposed scoping provision in V206.6 also would permit a LULA to be provided in passenger vessels eligible to use the exceptions discussed below, and where a platform lift is permitted.

The proposed scoping provision in V206.7 would permit platform lifts complying with the proposed technical provisions in V409 to connect decks that are less than 3,000 square feet. Safety codes limit the maximum rise of a platform lift to 14 feet.[16] The proposed scoping provision in V206.7 also would permit platform lifts to connect to decks where vertical clearance constraints on a passenger vessel route make use of an elevator infeasible.

Exceptions for Onboard Accessible Routes To Connect Decks

Ten exceptions are proposed in V206.2.1 for onboard accessible routes to connect decks. Exceptions 1, 2, and 3 would reduce the compliance costs for small passenger vessels. Exception 1 would not require an onboard accessible route to connect the decks on passenger vessels that have only two passenger decks unless both decks are entry decks. Exception 2 would not require an onboard accessible route to connect decks that are not entry decks where each passenger deck is less than 3,000 square feet. Exception 3 would not require an onboard accessible route to connect decks where a passenger vessel that is otherwise eligible to use Exceptions 1 or 2 has more than one entry deck and at least one designated entry deck: (1) Serves each stop used for embarking and disembarking passengers; and (2) contains drinking fountains, toilet rooms, transportation seating areas, and guest rooms with mobility features, where such amenities are provided on the vessel.

Exceptions 4 and 5 would reduce the compliance costs for high-speed passenger vessels that cannot use Exceptions 1, 2, or 3. Increasing the weight and size of high-speed passenger vessels has a significant impact on the fuel consumption on these vessels. A case study of a high-speed passenger only ferry with two entry decks showed that adding a platform lift to connect the decks on the vessel and providing other accessible features would result in

[15] ASME 17.1–2010 Safety Code for Elevators and Escalators, section 5.2.1.16.5.

[16] ASME 17.1–2010 Safety Code for Elevators and Escalators, section 5.2.1.16.5.

lengthening the vessel by 4 feet and increase the vessel's fuel consumption by 10 percent. The additional fuel costs could inhibit future construction of such vessels.

Exception 4 would not require an onboard accessible route to connect decks on high-speed passenger vessels that have only three passenger decks and do not transport vehicles or overnight passengers provided that at least one designated entry deck: (1) Serves each stop used for embarking and disembarking passengers; (2) contains drinking fountains, toilet rooms, transportation seating areas, and guest rooms with mobility features, where such amenities are provided on the vessel; and (3) contains at least one exterior passenger area that is not covered by other decks, where an uncovered exterior passenger area is provided on the vessel. Exception 4 would require access to certain passenger amenities on the designated entry deck similar to Exception 3 for small passenger vessels. Because high-speed passenger vessels eligible to use Exception 4 are typically larger than vessels eligible to use Exception 3, Exception 4 also would require the designated entry deck to contain at least one exterior passenger area that is not covered by other decks, where an uncovered exterior passenger area is provided on the vessel. Where windscreens are provided, this area could be located on the bow of the vessel.

Exception 5 would not require an onboard accessible route to connect to the sun deck on a high-speed passenger vessel that does not transport overnight passengers where the sun deck has no enclosed passenger spaces and is not an entry deck provided that at least one exterior passenger area that is not covered by other decks is provided on an entry deck or a deck connected to an entry deck by an onboard accessible route. High-speed vehicle ferries and high-speed passenger only ferries with two entry decks that serve different stops used for embarking and disembarking passengers that are not eligible to use Exception 4 can use Exception 5 for a sun deck.

Exceptions 6 and 7 would reduce the compliance costs for vehicle ferries that are designed to accommodate vehicles with high clearances. Where a passenger deck, other than an entry deck, is divided into two separate segments and no horizontal circulation path is provided between the two segments, Exception 6 would require an onboard accessible route to connect to only one segment of the divided deck. Where decks containing vehicle parking lanes are designed to be raised and lowered and do not provide any other passenger amenities, Exception 7 would not require an onboard accessible route to connect to such decks. Although adjustable decks would be exempt from being connected to onboard accessible routes, they would count as a passenger deck for purposes of determining the number of passenger decks the vessel contains.

Exception 8 would not require an onboard accessible route to connect to decks, other than entry decks, that are less than 300 square feet.

Exception 9 would not require an onboard accessible route to connect to decks below the bulkhead deck. This exception addresses concerns about down flooding and onboard accessible routes between main vertical zones. Passenger spaces typically are not located below the bulkhead deck, and other provisions ensure that passenger amenities such as toilet rooms and guest rooms with mobility features are located on decks that are connected to an onboard accessible route.

Exception 10 would apply to alterations to qualified historic passenger vessels and would not require an onboard accessible route to connect the decks on such vessels where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the provisions for onboard accessible routes would threaten or destroy the historic significance of a qualified historic passenger vessel.

We reviewed data on 696 ferries, multi-purpose vessels, and small cruise ships that are expected to reach the end of their expected service over a 20 year period and are assumed to be replaced by new vessels in the regulatory assessment. The data is summarized in Table 9 of the regulatory assessment. We estimate 124 of the new vessels (18%) would be required to provide an elevator, LULA, or platform lift to connect decks, and the proposed exceptions would apply to 431 of the new vessels (62%). We estimate 62 vessels (9%) currently provide an elevator, LULA, or platform lift, and assume the new vessels that replace these vessels would also provide an elevator, LULA, or platform lift in the absence of the proposed guidelines. Eleven of these vessels are small cruise ships that would be required to provide larger elevators on the new vessels. We estimate the other 79 vessels (11%) have only one passenger deck, and assume the new vessels that replace these vessels would not need an elevator, LULA, or platform lift. In addition, we estimate 23 small cruise ships would be required to provide a platform lift to connect to a tender boarding platform at the stern of the new vessels.

We request comment on the proposed exceptions.

Question 12. Would providing an elevator, LULA, or platform lift on passenger vessels not eligible to use the proposed exceptions adversely affect the safety or stability of the vessel?

Question 13. Should additional exceptions be provided for onboard accessible routes to connect decks? Comments should explain the basis for recommending additional exceptions.

Elements and Spaces on Decks That Are Not Connected to an Entry Deck by an Onboard Accessible Route

The proposed scoping provision in V201.1 would require all areas on newly designed and newly constructed passenger vessels to comply with the proposed guidelines. Thus, elements and spaces provided on passenger decks that are not connected to an entry deck by an onboard accessible route would be required to comply with the proposed guidelines. The proposed scoping provision is based on the guidelines for landside facilities. Future additions to landside facilities can result in providing an accessible route to stories that were not required to be connected by an accessible route when the facility was first constructed. The Passenger Vessel Association noted in comments on earlier drafts of the guidelines that future additions to existing passenger vessels are rare. To reduce the compliance costs, we are considering an alternative provision for the final guidelines that would require elements and spaces provided on passenger decks that are not connected to an entry deck by an onboard accessible route to comply only with provisions that meet the needs of individuals with mobility disabilities who can use stairs and individuals with hearing and vision disabilities. This would include the provisions for protruding objects (V204), operable parts (V205), general emergency alarms (V215), signage (V216), and assistive listening systems (V219). We request comment on this alternative provision.

Question 14. In addition to the provisions indicated above, what other provisions should apply to elements and spaces provided on passenger decks that are not connected by an onboard accessible route to an entry deck to meet the needs of individuals with mobility disabilities who can use stairs and individuals with hearing and vision disabilities?

Onboard Accessible Routes Within Decks

The proposed scoping provisions in V206.2.2 through V206.2.9 would require at least one onboard accessible route complying with the proposed technical provisions in Chapter V 4 to connect to the following: Accessible spaces and elements; dining areas; performance areas and assembly seating areas; and certain recreation facilities.

Location

The proposed scoping provision in V206.3 would require onboard accessible routes to coincide with or be located in the same area as general passenger circulation paths. Where two interior accessible spaces are connected by an interior passenger circulation path, an interior onboard accessible route would be required to connect the same spaces. The interior onboard accessible route would be required to be not more than 300 feet longer than the shortest interior passenger circulation path connecting the two spaces. An exception is proposed that would exempt smaller passenger vessels where the largest deck is less than 3,000 square feet.

The Passenger Vessel Access Advisory Committee recommended the 300 feet distance. The 300 feet distance is about twice the distance between main vertical zones required by the U.S. Coast Guard. See 46 CFR 116.415(d). We request comment on the 300 feet distance.

Entry and Departure Points

The proposed scoping provision in V206.4 would require each passenger entry and departure point on a passenger vessel to be to on an onboard accessible route. Where multiple tender boarding platforms are provided, only one platform on each side of the vessel would be required to be on an onboard accessible route.

Doors, Doorways, and Gates

The proposed scoping provision in V206.5 would require at least one door, doorway, or gate provided at accessible deck entry and departure points, and at least one door, doorway, or gate serving each accessible room or space to comply with the proposed technical provisions for doors, doorways, and gates in V404.

Elevators

The proposed scoping provision for elevators in V206.5 is discussed under Onboard Accessible Routes to Connect Passenger Decks.

Platform Lifts

The proposed scoping provision for platform lifts in V206.7 is discussed under Onboard Accessible Routes to Connect Passenger Decks. In addition, platform lifts would be permitted to be a component of an onboard accessible route in alterations to existing passenger vessels. Platform lifts also would be permitted to provide an onboard accessible route to wheelchair spaces in assembly areas; performance areas and speakers' platforms; levels within passenger guest rooms with mobility features; tender boarding platforms; and play components within play areas or soft contained play structures.

Security Barriers

The proposed scoping provision in V206.8 would require security barriers to not obstruct onboard accessible routes or accessible means of escape. Where security barriers incorporate screening devices such as metal detectors or fluoroscopes that cannot comply with the proposed provision, an exception is proposed that would permit the onboard accessible route to be located adjacent to the security barrier. The onboard accessible route would have to permit passengers with disabilities to maintain visual contact with their personal items to the same extent provided to other passengers passing through the security barrier.

V207 Accessible Means of Escape

This section would require a passenger vessel to provide an accessible means of escape where the administrative authority requires the vessel to have a means of escape. The section would require the accessible means of escape to provide a substantially equivalent level of protection from hazards as is required by the administrative authority for the means of escape. An accessible means of escape would not be required in alterations to existing vessels.

We propose the following guidance for providing accessible means of escape. Accessible means of escape should be independently usable by passengers with disabilities and should be made up of onboard accessible route components to the extent possible. However, an accessible means of escape may include inaccessible components where passengers with disabilities would be assisted by crew members. For example, a stairway or an exit only doorway with coamings may be part of an accessible means of escape. If passengers with disabilities would have to wait for crew assistance at or near the stairway or doorway, the waiting area should be sufficiently protected from hazards in order to provide them a level of protection that is substantially equivalent to the level of protection afforded by the means of escape provided for passengers who can use stairs unassisted. Similarly, elevators and platform lifts may require crew operation during emergencies. If passengers with disabilities would have to wait at or near elevator or platform lift landings, the waiting area should afford them substantially equivalent protection. Protected waiting areas would not be needed where another equivalent method of protection is provided, such as where passenger vessels are protected by automatic sprinkler systems or areas are open to the weather.

Protected waiting areas should be sized to accommodate clear deck spaces complying with the proposed technical provisions in V305 based on the occupant load of all accessible spaces to be served by the protected waiting area. Protected waiting areas should be equipped with an audible and visible two-way communication system for summoning crew assistance. Doors to protected waiting areas should be identified by a sign stating ''Protected Waiting Area'' that includes the International Symbol of Accessibility. Signs should be provided in the protected waiting area that provide information on their use during emergencies and directions to other accessible means of escape.

V208 Passenger Vessel Boarding Systems

This section defers to DOT and DOJ to address when accessible passenger boarding systems would be required since passenger boarding systems can be provided at landside facilities and involve operational issues between the owner or operator of the landside facility and the passenger vessel owner or operator that DOT and DOJ are authorized to address.

Technical provisions for accessible passenger boarding systems are proposed in Chapter V 4, including walking surfaces with a running slope not steeper than 1:20 complying with the proposed technical provisions in V403; doors and doorways complying with the proposed technical provisions in V404; ramps complying with the proposed technical provisions in V405; elevators complying with the proposed technical provisions in V407; limited use-limited application elevators (LULA) complying with the proposed technical provisions in V408; platform lifts complying with the proposed technical provisions in V409; gangways

complying with the proposed technical provisions in V410; and manually powered boarding lifts complying with the proposed technical provisions in V411.

V209 [Reserved]

Earlier drafts of the guidelines included a scoping provision for stairs in V209. The proposed guidelines do not include a scoping provision for stairs. The sections will be renumbered in the final guidelines.

V210 Rinsing Showers

This section would apply where rinsing showers are provided for passengers. It does not require rinsing showers to be provided. The section would require rinsing showers to comply with the proposed technical provisions for rinsing showers in V608, including clear deck space (V608.2.4); shower spray unit and water (V608.6); thresholds (V608.7); and enclosures not obstructing controls (V608.8).[17] Where rinsing showers are clustered at a single location, the section would require at least one of the rinsing showers to comply with the proposed technical provisions for rinsing showers in V608.

V211 Drinking Fountains

This section would apply where drinking fountains are provided for passengers. It does not require drinking fountains to be provided. The section would require a minimum number (one or 50 percent of the total number) of drinking fountains provided on a deck to comply with the proposed technical provisions in V602 for clear deck space (V602.2); operable parts (V602.3); spout height and location (V602.4 and V602.5); and water flow (V602.6). The section also would require a minimum number (one or 50 percent of the total number) of drinking fountains provided on a deck to comply with the proposed technical provisions in V602 for standing persons (V602.7).

Where drinking fountains are provided for passengers on decks that are not connected by an onboard accessible route to an entry deck, the section would require drinking fountains complying with the proposed technical provisions in V602 to be provided on an entry deck or on a deck connected to an entry deck by an onboard accessible route. This would ensure that the two types of drinking fountain are available to passengers with disabilities who cannot use stairs.

V212 Galleys, Pantries, and Sinks

This section would apply where galleys, pantries, and sinks are provided for passengers. It does not require these features to be provided. The section would require galleys and pantries to comply with the proposed technical provisions in V804 for clearance (V804.2); sinks (V804.3); storage (V804.4); and appliances (V804.5). Where sinks are provided, the section would require at least 5 percent, but no fewer than one, of each type of sink provided in an accessible room or space to comply with proposed technical provisions in V606, including clear deck space (V606.2); height (V606.3); faucets (V606.4); and exposed pipes and surfaces (V606.5). Mop or service sinks would not be required to comply with this section.

V213 Toilet Facilities and Bathing Facilities

This section would apply where toilet facilities and bathing facilities are provided for passengers. It does not require these facilities to be provided. The section would require each toilet room and bathing room to comply with the proposed technical provisions in V603, including clearances (V603.2); mirrors (V603.3); and coat hooks and shelves (V603.4).[18]

Five exceptions are proposed. Exception 1 would apply to alterations of existing passenger vessels. Where it is technically infeasible to comply with the proposed technical provisions in V603, existing toilet rooms and bathing rooms would be required to comply to the maximum extent feasible, or to provide an unisex toilet room or bathing room complying with the proposed technical provisions in V603 in the same area and on the same deck as the existing non-complying toilet room or bathing room.

Exception 2 would apply to alterations to qualified historic passenger vessels and would require no fewer than one toilet room for each sex or one unisex toilet room complying with the proposed technical provisions in V603 to be provided on the vessel where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the proposed provisions for toilet rooms would threaten or destroy the historic significance of a qualified historic passenger vessel.

Exception 3 would apply where multiple single user portable toilet or bathing units are clustered at a single location. At least 5 percent of the toilet units and bathing units at each cluster would be required to comply with the proposed technical provisions in V603.

Exception 4 would apply where multiple single user toilet rooms are clustered at a single location. At least 50 percent of the of the single user toilet rooms for each use at each cluster would be required to comply with the proposed technical provisions in V603.

Exception 5 would apply to high-speed passenger vessels that do not transport overnight passengers. Where multiple single user toilet rooms are clustered at a single location on such vessels, at least 5 percent of the single user toilet rooms for each use at each cluster would be required to comply with the proposed technical provisions in V603. This exception would reduce compliance costs for high-speed passenger vessels where weight and vessel size have a significant impact on the vessel's fuel consumption.

We request comment on the proposed exceptions.

Question 15. Should additional exceptions be provided for toilet rooms? Comments should explain the basis for recommending additional exceptions.

Where toilet rooms are provided for passengers on decks that are not connected by an onboard accessible route to an entry deck, the section would require at least one toilet room for each sex or one unisex toilet room complying with the proposed technical provisions in V603 to be provided on an entry deck or on a deck connected to an entry deck by an onboard accessible route. This would ensure that a toilet room is available to passengers with disabilities who cannot use stairs.

The section would require unisex toilet rooms to contain one lavatory and either one water closet or one water closet and one urinal; and unisex bathing rooms to contain one lavatory, one water closet, and either one shower or one bathtub. Doors to unisex toilet rooms and unisex bathing rooms would be required to have privacy latches.

The section would require plumbing fixtures and accessories provided in toilet rooms and bathing rooms complying with V603 to comply with the following proposed technical provisions:

- At least one toilet compartment (stall) would be required to comply with the proposed technical provisions for wheelchair accessible compartments in V604.8.1. Where six or more toilet

[17] Rinsing showers with transfer type, standard roll-in type, or alternate roll-in type shower compartments would be required to comply with the proposed technical provisions for size and clearances for shower compartments (V608.2); grab bars (V608.3); and seats (V608.4).

[18] Only toilet rooms and bathrooms in passenger guest rooms required to provide mobility features would be required to comply with the proposed technical provisions in V603.

compartments are provided, or where the combination of urinals and water closets totals six or more fixtures, at least one toilet compartment would be required to comply with the proposed technical provisions for ambulatory accessible compartments in V604.8.2. The ambulatory accessible compartment would be in addition to the wheelchair accessible compartment.

- At least one water closet would be required to comply with the proposed technical provisions for water closets in V604.
- Where more than one urinal is provided, at least one urinal would be required to comply with the proposed technical provisions for urinals in V605.
- At least one lavatory would be required to comply with the proposed technical provisions for lavatories in V606 and would not be allowed to be located in a toilet compartment.
- At least one mirror would be required to comply with the proposed technical provisions for mirrors in V603.3.
- At least one bathtub would be required to comply with the proposed technical provisions for bathtubs in V607, or at least one shower would be required to comply with the proposed technical provisions for showers in V608.
- At least one of each type of coat hook and shelf would be required to comply with the proposed technical provisions for coat hooks and shelves in V603.4.

V214 Washing Machines and Clothes Dryers

This section would apply where washing machines and clothes dryers are provided for passenger use. Where three or fewer washing machines and three or fewer clothes dryers are provided, at least one washing machine and one clothes dryer would be required to comply with the proposed technical provisions in V611, including clear deck space (V611.2); operable parts (V611.3); and height (V611.4). Where more than three washing machines and more than three clothes dryers are provided, at least two washing machines and two clothes dryers would be required to comply with the proposed technical provisions in V611.

V215 Emergency Alarms

This section would apply where a general alarm system is provided to notify passengers in public areas of emergencies. The Passenger Vessel Emergency Alarms Advisory Committee recommended that general emergency alarm systems include visible elements to alert passengers who are deaf or have a hearing loss. This section would require general emergency alarm systems on U.S. flag vessels to provide visible notification appliances complying with the NFPA 72 National Fire Alarm Code. The International Maritime Organization approved non-mandatory guidelines for including visible elements in general emergency alarm systems in 2012.[19] For the final guidelines, we are considering requiring general emergency alarm systems on foreign flag vessels that operate in U.S. ports to provide visible notification appliances in public areas and to reference the International Maritime Organization guidelines. We request comment on this proposal.

Question 16. What additional costs would be associated with providing visible notification appliances in public areas as part of the general emergency alarm systems on foreign flag vessels that operate in U.S. ports?

Two exceptions are proposed. Exception 1 would not require elevators, enclosed platform lifts, enclosed stairways, and areas only open to passengers in emergencies to comply with the section. Exception 2 would not require alterations to existing passenger vessels to comply with the section.

Question 17. Are visible notification appliances effective in open deck areas such as sun decks and partially covered deck areas for alerting passengers who are deaf or have a hearing loss of an emergency? If not, what alternative systems or devices can be used in these areas to alert passengers who are deaf or have a hearing loss of an emergency?

V216 Signs

This section would apply to signs that identify permanent rooms and spaces (V216.2); directional and informational signs (V216.3); signs for means of escape (V216.4); signs identifying accessible exterior doors where all exterior doors are not accessible (V216.5); signs identifying accessible elevators where all elevators are not accessible in alterations to existing passenger vessels (V216.6); signs identifying toilet rooms and bathrooms (V216.7); signs for TTYs and wheelchair accessible telephones (V216.8 and V216.9); signs for assistive listening systems (V216.10); and signs for accessible check-out counters (V216.11). The section would require signs to identify, and in some cases provide direction to, these elements and spaces. The section would require the signs to comply with the proposed technical provisions for visual characters in V703.5. The section also would require certain signs to comply with the proposed technical provisions for raised letters in V703.2; Braille in V703.3; and installation height and location in V703.4.

Comments on earlier drafts of the guidelines recommended that signs indicating the availability of assistive listening systems include information about the system. The section would require signs indicating the availability of assistive listening systems to also indicate the type of transmitter and receiver used. Where passenger vessels have a central passenger service station to distribute receivers for assistive listening systems and other effective methods are used to notify passengers about the availability, location, and type of transmitter and receiver used, signs would not be required for assistive listening systems.

The section would require directional signs indicating the location of the nearest accessible means of escape to be provided at all exit doors, platform lifts, and elevators that serve accessible spaces but are not part of an accessible means of escape. An exception is proposed that would not require directional signs where platform lifts and elevators are directly accessed from protected stairway landings. Comments on earlier drafts of the guidelines noted that these directional signs, which are intended for passengers with disabilities who cannot use stairs, may be confusing for other passengers in emergencies since the accessible means of escape for passengers with disabilities who cannot use stairs may differ from the means of escape for other passengers. For instance, the signs may direct passengers with disabilities who cannot use stairs to crew-operated elevators or platform lifts that are not intended for use by other passengers.

Question 18. Are there other effective ways to provide information about the location of escape paths to passengers with disabilities who cannot use stairs and other passengers in a way that would minimize any potential for confusion as to which escape path to use?

V217 Telephones

Where a public telephone is provided on a deck, this section would require at least one wheelchair accessible public telephone complying with the proposed technical provisions in V704.2; and at least one public TTY complying with the proposed technical provisions in V704.4 to be provided on the deck. The section also would require all public

[19] International Maritime Organization, Guidelines for the Design and Installation of a Visible Element to the General Emergency Alarm System on Passenger Ships, MSC.1/Circ.1418, June 13, 2012 at: *http://www.imo.org/OurWork/Circulars/Pages/IMODOCS.aspx.*

telephones to have volume controls complying with the proposed technical provisions in V704.3, and to be hearing aid compatible.

V218 Two-Way Communication Systems

Where a two-way communication system is used to gain admittance to a passenger vessel or to restricted areas within the vessel that are open to passengers, this section would require the system to provide both audible and visible signals. The section would not apply to areas intended for use only by employees since employees areas would be covered by the proposed exception in V203.2.

V219 Assistive Listening Systems

Where an audio amplification system is provided in an assembly area or transportation seating area to communicate information that is integral to the use of the areas, this section would require an assistive listening system to be provided. An assistive listening system would be defined in V106.5 as an amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency modulation (FM), or infrared equipment.

Comments on earlier drafts of the guidelines recommended that assistive listening systems be provided in rooms and spaces that do not have audio amplification systems. Portable assistive listening systems can be used in rooms and spaces that do not have audio amplification systems. The proposed guidelines do not address portable equipment. However, portable assistive listening systems may be used to meet the requirements in the DOJ and DOT regulations on use of auxiliary aids and services to ensure effective communication. See 28 CFR 35.160 and 36.303, and 49 CFR 39.51 and 39.89.

The section does not specify the type of assistive listening system to be provided. Comments on earlier drafts of the guidelines noted the benefits of induction loop systems over FM and infrared systems. Individuals who wear hearing aids equipped with telecoils do not need a separate receiver with an induction loop system.[20] Where induction loop systems are provided, individuals who do not use hearing aids and individuals who use hearing aids not equipped with telecoils would need a receiver. A receiver is also needed with FM and infrared systems.

The section would require a minimum number of receivers to be provided for assistive listening systems in accordance with Table V219.3. The table would reduce the number of receivers as the total seating capacity of the assembly areas and transportation seating areas on the passenger vessel increases. For example, the table would require assembly areas and transportation seating areas with:

- 500 seats to provide a minimum of 20 receivers (4%);
- 1,000 seats to provide a minimum of 36 receivers (3.6%); and
- 2,000 seats to provide a minimum of 55 receivers (2.75%).

A proposed exception would permit the number of receivers to be based on the maximum number of passengers that the passenger vessel is permitted to carry.

At least 25 percent, but no fewer than two, of the receivers would be required to be hearing aid compatible (e.g., neck loops that interface with telecoils in hearing aids). Because induction loop systems are compatible with hearing aids equipped with telecoils, a proposed exception would reduce the minimum number of receivers by the number that would be required to be hearing aid compatible where induction loop systems are provided. For example, an assembly area with 500 seats would be required to provide a minimum of 20 receivers, and at least 5 of these receivers would be required to be hearing aid compatible. If an induction loop system is provided, the proposed exception would require a minimum of 15, instead of 20, receivers since the induction loop system is compatible with hearing aids equipped with telecoils.

There are several national surveys that measure hearing loss. The surveys vary in question wording and what they measure. Consequently, the data vary. The Survey of Income and Program Participation (SIPP) sponsored by the U.S. Census Bureau asks questions about hearing aid use; difficulty hearing a normal conversation (even with a hearing aid); and deafness (unable to hear). The SIPP data show among persons aged 15 and older 7.6 million (3.1%) had difficulty hearing a normal conversation, including 5.6 million (2.3%) used a hearing aid and 1.1 million (0.5%) were deaf.[21] The National Health and Nutritional Examination Surveys (NHANES) sponsored by National Center for Health Statistics asks questions about hearing trouble (no trouble, a little, a lot, deaf) and includes audiometric testing of participants. The NHANES data show among persons aged 12 and older 30 million (12.7%) had bilateral hearing loss and the number increases to 48.1 million (20.3%) when unilateral hearing loss is included.[22]

Where an audio amplification system is provided in public areas to communicate emergency information to passengers, such as passenger safety briefings and instructions on evacuation procedures, the section would require an assistive listening system to be provided. The Passenger Vessel Emergency Alarms Advisory Committee recommended this proposed provision. We tested a portable FM system on a four passenger deck steel ferry that was 310 feet long, and found that all interior and exterior passenger spaces on the vessel received the FM signal. Where passengers are assigned to go to specific muster stations in an emergency when the general emergency alarm is activated, an assistive listening system would not be required.

Question 19. Is an induction loop system effective on passenger vessels that have structural metal in the decks and bulkheads (walls) that may interfere with the signal?

Where audio amplification systems provide emergency information, passengers who have a hearing loss need information about the availability of the assistive listening system and where to obtain receivers in order to use the system.

Question 20. How should information be provided to passengers who have a hearing loss about the availability of the assistive listening system for safety briefings, instructions on evacuation procedures, and other emergency announcements? If signs are provided, what information should be provided on the signs and where should the signs be placed?

The Passenger Vessel Emergency Alarms Advisory Committee also recommended that other methods should be used to effectively communicate emergency and non-emergency information to passengers who are deaf.

Question 21. Would visual displays on passenger vessels provide an effective method for communicating emergency and non-emergency information to passengers who are deaf?

[20] A telecoil is a circuit inside the hearing aid that is designed to pick up electromagnetic signals.

[21] U.S. Census Bureau, Americans with Disabilities: 2010 at: *http://www.census.gov/prod/2012pubs/p70–131.pdf.*

[22] Frank R. Lin, John K. Niparko, and Luigi Ferrucci, Hearing Loss Prevalence in the United States, JAMA Internal Medicine (November 14, 2011) at: *http://archinte.jamanetwork.com/article.aspx?articleid=1106004.*

If visual displays are provided for communicating emergency and non-emergency information to passengers, are assistive listening systems needed for such information? What passenger areas should provide the visual displays and where should they be placed within each area? Have visual displays been installed on passenger vessels for communicating emergency and non-emergency information? What costs would be associated with providing the visual displays?

Question 22. Do passenger vessels have the capability to communicate emergency and non-emergency information such as arrival and departure time to passengers through their personal communications devices (e.g., send text messages to passengers' smartphones when they subscribe to receive such information)? Can such information be provided to passengers through their personal communications devices when passenger vessels are beyond the range of cellular phone towers? What costs would be associated with passenger vessels providing such information to passengers through their personal communications devices?

V220 Automatic Teller Machines and Fare Machines

Where automatic teller machines and fare machines are provided on passenger vessels, this section would require at least one of each type of machine provided at each location to comply with the proposed technical provisions in V707, including clear deck space (V707.2); operable parts (V707.3); privacy (V707.4); speech output (V707.5); input (V707.6); display screen (V707.7); and Braille instructions (V707.8).

V221 Assembly Areas

An assembly area would be defined in V106.5 as a portion of a passenger vessel that is used for entertainment, educational gatherings, or similar purposes. This section would require a minimum number of wheelchair spaces to be provided in assembly areas with fixed seats in accordance with Table V221.2.1.1. The table would reduce the number of wheelchair spaces as the total seating capacity of the assembly area increases. For example, the table would require assembly areas with:

- 300 seats to provide a minimum of 5 wheelchair spaces (1.6%);
- 500 seats to provide a minimum of 6 wheelchair spaces (1.2%); and
- 1,000 seats to provide a minimum of 10 wheelchair spaces (1%).

The Survey of Income and Program Participation sponsored by the U.S. Census Bureau show among persons aged 15 and older 3.6 million (1.5%) used a wheelchair or scooter.[23]

The section would require the wheelchair spaces to be an integral part of the fixed seating plan. The section includes proposed scoping and technical provisions for dispersion of wheelchair spaces where seats are arranged to provide lines of sight to fixed screens or performance areas to ensure that passengers who use wheelchairs have an equivalent choices of seating locations and viewing angles (V221.2.3 and V802.2). The section also includes proposed scoping and technical provisions for dispersion of wheelchair spaces where seats are not arranged to provide lines of sight to fixed screens or performance areas (V221.2.4).

The cruise industry expressed concerns about the vertical dispersion of wheelchair spaces in assembly spaces in comments on earlier drafts of the guidelines. Construction constraints specific to cruise ships can limit the number of onboard accessible route connections between decks and seating sections in theaters on large cruise ships. We reviewed the designs of theaters on several large cruise ships. Based on the theater designs, it appears that the vertical dispersion can be achieved with minimal loss of seats where onboard accessible route connections are provided between more than one deck and the seating sections in the theaters. The wheelchair spaces also would have to meet the provisions for horizontal dispersion and substantially equivalent viewing angles. Some of the theater designs had columns and equipment overhangs that could obstruct viewing angles and can be addressed by careful layout of wheelchair spaces when designing the theaters. We request comment on the proposed provisions for dispersion and fixed lines of sight.

The section also would require a companion seat for each wheelchair space, and a minimum number of designated aisle seats located closest to onboard accessible routes. The technical provisions for companion seats in V802.3 would require companion seats to provide shoulder alignment with the adjacent wheelchair spaces, except where the seating is not arranged to provide lines of sight to fixed screens or performance areas and where seating is provided at tables and counters. The technical provisions for designated aisle seats in V802.4 would require the seats to provide folding or retractable armrests, where armrests are provided on seating in the immediate area, and to be identified by a sign or marker.

V222 Transportation Seating Areas

A transportation seating area would be defined in V106.5 as an area, other than an assembly area, where fixed seats are provided for passengers. This section would require a minimum number of wheelchair spaces in transportation seating areas in accordance with Table V222.3. The table would reduce the number of wheelchair spaces as the total seating capacity of the transportation seating increases. For example, the table would require transportation seating areas with:

- 100 seats to provide a minimum of 2 wheelchair spaces (2%);
- 300 seats to provide a minimum of 5 wheelchair spaces (1.6%); and
- 650 seats to provide a minimum of 7 wheelchair spaces (1%).

The Survey of Income and Program Participation sponsored by the U.S. Census Bureau show among persons aged 15 and older 3.6 million (1.5%) used a wheelchair or scooter.[24]

An exception is proposed for passenger vessels that provide more fixed seats in transportation seating areas than the vessel is permitted to carry. The proposed exception would permit the number of wheelchair spaces to be based on the maximum number of passengers that the passenger vessel is permitted to carry.

The section would require the wheelchair spaces to be an integral part of and dispersed throughout the fixed seating plan. Companion seats would not be required in transportation seating areas.

Where transportation seating areas are provided on decks that are not connected by an onboard accessible route to an entry deck, the section would require at least one transportation seating area to be provided on an entry deck or on a deck connected to an entry deck by an onboard accessible route. This would ensure that transportation seating is available to passengers with disabilities who cannot use stairs. Vehicle ferries that are eligible to use the exceptions for onboard accessible routes to connect decks would need to provide a platform lift or elevator to connect to decks where the entry deck is used for vehicles only and a transportation seating area is provided only on another deck.

[23] U.S. Census Bureau, Americans with Disabilities: 2010 at: *http://www.census.gov/prod/2012pubs/p70–131.pdf.*

[24] U.S. Census Bureau, Americans with Disabilities: 2010 at: *http://www.census.gov/prod/2012pubs/p70–131.pdf.*

V223 Medical Care Facilities

This section would apply where passenger ships have medical facilities with patient sleeping rooms. The section would require at least 10 percent of the patient sleeping rooms to provide mobility features complying with the proposed technical provisions in V805, including turning space (V805.2); clear deck space (V805.3); and toilet and bathing rooms (V805.4).

V224 Passenger Guest Rooms

This section would apply to cruise ships and other passenger vessels that transport passengers overnight and provide passenger guest rooms. Some passenger vessels such as ferries or excursion vessels may provide guest rooms that can be reserved by passengers for day use. We will define passenger guest rooms in the final guidelines and are considering defining the term to include rooms used by passengers for overnight accommodations or for day use. If the final guidelines define passenger guest rooms to include rooms for day use, a minimum number of the rooms would need to provide mobility features and communication features in accordance with the proposed scoping provisions discussed below and would need to be located on an entry deck or on a deck that is connected to an entry deck by an onboard accessible route.

Question 23. How many passenger vessels provide guest rooms that can be reserved by passengers for day use? How many of these guest rooms are provided on the passenger vessel? Are any of these guest rooms provided on an entry deck or a deck that is connected to an entry deck by an onboard accessible route? What features are provided in these guest rooms to which the proposed guidelines would apply? We are interested in information for estimating the costs and benefits of applying the proposed guidelines to these guest rooms?

V224.2 Guest Rooms With Mobility Features

This section would require passenger vessels to provide a minimum number of guest rooms with mobility features based on the total number of guest rooms in accordance with Table V224.2. For instance, a cruise ship with 501 to 1,000 guest rooms would be required to provide a minimum of 3 percent of guest rooms with mobility features. A cruise ship with more than 1,000 guest rooms would be required to provide a minimum of 30 guest rooms with mobility features for the first 1,000 guest rooms (3%), plus 2 guest rooms with mobility features for each additional 100 guest rooms or fraction thereof over 1,000 (2%). The section would require a portion of the guest rooms with mobility features to provide a roll-in shower. The section would also require guest rooms with mobility features to be dispersed among the various classes of guest rooms. The minimum number of guest rooms with mobility features that would be required on passenger vessels is consistent with the guidelines for landside facilities such as hotels and resorts. We request comment on this proposed scoping provision.

Guest rooms with mobility features are typically larger than other guest rooms to accommodate passengers who use wheelchairs or scooters. The proposed technical provisions for guest rooms with mobility features would require wider doorways; turning space within the guest room; clear deck space on both sides of a bed or between two beds and at the closet; turning space within the bathroom and clear deck space at the bathtub or shower, lavatory or sink, and toilet (the turning space and clear deck spaces can overlap); and grab bars at the toilet and at the bathtub or shower.

The Survey of Income and Program Participation (SIPP) sponsored by the U.S. Census Bureau has asked questions about use of mobility devices, including wheelchairs, scooters, canes, crutches, and walkers, by persons aged 15 and older since 1990. The SIPP provides stability in measuring disability over a long period with a large sample that is representative of the U.S. population. We had a report prepared that converted the SIPP data on individuals who used mobility devices to households that have a member who used a mobility device because families typically go on cruises for vacation and leisure travel.[25] This report is referred to as the household report.

The household report shows households with a member who used a wheelchair or scooter doubled from 1.5 percent in 1990 to 3 percent in 2010. If past trends continue, a linear extrapolation to 2025 projects about 4 percent of households will have a member who uses a wheelchair or scooter. We assume households with a member who uses a wheelchair or scooter would need a guest room with mobility features.

The household report also shows households with a member who used a cane, crutches, or walker grew from 4.5 percent in 1990 to 7 percent in 2010. If past trends continue, a linear extrapolation to 2025 projects about 9 percent of households will have a member who uses a cane, crutches, or walker. Households with a member who uses a cane, crutches, or walker may rent a wheelchair or scooter for distance travel on a cruise ship and for shore excursions.[26] We assume these households may need a guest room with mobility features. We assume households with a member who uses a cane, crutches, or walker may also need features such as grab bars at toilets and at bathtubs or showers that are provided in guest rooms with mobility features, regardless of whether they rent a wheelchair or scooter for distance travel on a cruise ship and for shore excursions.

The cruise industry submitted a report indicating that about 70 percent of the passengers who used wheelchairs or scooters on 45 cruise ships in 2005 did not occupy a guest room with mobility features.[27] The report suggested that these passengers may have used wheelchairs or scooters for distance travel on the cruise ships and for shore excursions, and may not have needed a guest room with mobility features. The entry doorway to guest rooms is typically 22 to 24 inches wide and is too narrow for a wheelchair or scooter to pass through.[28] The proposed guidelines would require 32 inches minimum clear opening at the entry doorway to guest rooms with mobility features. The report did not consider other possible reasons why a significant percent of passengers who used wheelchairs or scooters did not occupy a guest room with mobility features. Passengers who do not have a disability may have reserved guest rooms with mobility features because they are larger than other guest rooms resulting in the rooms not being available to passengers with disabilities. Some cruise lines had a practice of requesting passengers with disabilities to provide a doctor's note to reserve a guest room with mobility

[25] Mitch P. LaPlante and H. Stephen Kaye, Mobility Device Use and Hearing Impairments Among Individuals and Households: 1990–2010 (February 15, 2013) at: *http://www.access-board.gov/pvag/.*

[26] Cruise ship passengers can rent wheelchairs and scooters from Special Needs at Seas at: *http://www.specialneedsatsea.com/.*

[27] Cruise Lines International Association, Passenger Vessel Access Guidelines Access Scoping Economic Impact Study (June 23, 2008) at: *http://www.access-board.gov/pvag/.*

[28] A sample of about 500 wheeled mobility devices shows that the minimum clear width needed for a manual wheelchair user ranges from 27 to 31 inches; for a power wheelchair user ranges from 27 to 33 inches; and for a scooter user ranges from 24 to 33 inches. Center for Inclusive Design and Environmental Access, Design Resources DR–15 Clear Floor Area for Wheeled Mobility: Redefining the ''common wheelchair'' (January 4, 2011) at: *http://udeworld.com/documents/designresources/pdfs/CFA.pdf.*

features. This practice may have discouraged passengers with disabilities from reserving guest rooms with mobility features. DOT issued regulations in 2010 that require cruise lines to hold guest rooms with mobility features for passengers with disabilities until all other rooms in the same class are sold, and ban the practice of requesting passengers with disabilities to provide a doctor's note to reserve a guest room with mobility features. See 49 CFR 39.39(b)(2) and (f).

Question 24. How often are individuals with mobility disabilities or households with a member who has a mobility disability who request a guest room with mobility features unable to reserve the type of guest room (e.g., interior, oceanview, balcony, suite) they request, but the same type of guest rooms without mobility features are available?

The cruise industry is concerned about the loss of guest rooms and revenue due to the proposed scoping provision for guest rooms with mobility features. According to the cruise industry, two guest rooms with mobility features occupy the same square footage as three guest rooms resulting in the loss of one guest room for every two guest rooms with mobility features. We estimate the loss of guest rooms and revenue for large cruise ships permitted to carry 300 or more passengers in Chapter 3 of the regulatory assessment. We estimate the 113 large cruise ships operating in U.S. ports as of 2011 contained 123,516 guest rooms, including 2,392 guest rooms with mobility features (1.9% of the total number of guest rooms). We assume 5 percent of the guest rooms in the cruise fleet are replaced annually and the total number of guest rooms increases by 3 percent annually. Based on these assumptions, we estimate 786 guest rooms would be lost over 20 years under the proposed scoping provision against the baseline of the cruise industry practice in the absence of the guidelines. According to the cruise industry, each guest room produced $140,000 gross revenue in 2005. Adjusting this figure for inflation to $161,250 in 2011 dollars, we estimate the gross revenue loss annualized over 20 years is $50 million discounted at 7 percent, and $58 million discounted at 3 percent. We note, however, that gross revenue loss overstates the cost. The correct measure for estimating the cost of lost guest rooms is net revenue, which is gross revenue less the costs to serve the passengers who would occupy the guest rooms.

Question 25. For cruise ships operating in U.S. ports, is it reasonable to assume that 5 percent of the guest rooms in the cruise fleet are replaced annually and the total number of guest rooms increases by 3 percent annually? Comments should include information to support alternative assumptions.

Question 26. Is there other information available to improve our cost estimates? We are particularly interested in information on net revenue per guest room, which accounts for the costs to serve the passengers who occupy the guest rooms.

Cruise lines construct classes of cruise ships or sister vessels based on the same design without major modification. Each new class of cruise ships is generally larger than the previous class. As shown in Appendix II to the regulatory assessment, cruise ships constructed in 2010 and 2011 have over 50 percent more guest rooms than cruise ships constructed in the 1990's. Cruise lines can mitigate the loss of revenue due to providing guest rooms with mobility features by increasing the number of guest rooms when designing new classes of cruise ships.

Question 27. How will cruise lines comply with the proposed scoping provision for guest rooms with mobility features? Will cruise lines construct larger cruise ships than they would have in the absence of the proposed guidelines so they do not lose guest rooms or space for other purposes; will cruise lines choose to reduce guest rooms or space used for other purposes; or will cruise lines do a combination of these choices or something else?

Question 28. Is there information available on the percent of the population with mobility disabilities that takes cruises compared to the percent of the population without mobility disabilities?

As noted above, households with a member who used a cane, crutches, or walker grew from 4.5 percent in 1990 to 7 percent in 2010, and a linear extrapolation to 2025 projects about 9 percent of households will have a member who uses a cane, crutches, or walker. These households may rent a wheelchair or scooter for distance travel on cruise ships and for shore excursions, and may need guest rooms with wider doorways and space to store the wheelchair or scooter. Regardless of whether these households rent a wheelchair or scooter, the household member who uses a mobility device may need grab bars in the bathroom for stability and support.

Question 29. Would it be practical operationally to provide two types of guest rooms with mobility features: (1) One for passengers with mobility disabilities who use a wheelchair or scooter for distance travel only and not in guest rooms; and (2) the other for passengers with mobility disabilities who use a wheelchair or scooter in guest rooms? What specific features would be needed in guest rooms used by passengers with mobility disabilities who use wheelchairs or scooters for distance travel only and not in guest rooms? Would providing two types of guest of guest rooms with mobility features reduce the loss of guest rooms and revenue?

V224.4 Guest Rooms With Communication Features

This section would require passenger vessels to provide a minimum number of guest rooms with communication features based on the total number of guest rooms in accordance with Table V224.4. For instance, a passenger vessel with 501 to 1,000 guest rooms would be required to provide a minimum of 5 percent of guest rooms with communication features. A passenger vessel with more than 1,000 guest rooms would be required to provide a minimum of 50 of guest rooms with communication features for the first 1,000 guest rooms (5%), plus 3 guest rooms with mobility features for each additional 100 guest rooms over 1,000 (3%). The section would require guest rooms with communication features to be dispersed among the various classes of guest rooms. The minimum number of guest rooms with communication features that would be required on passenger vessels is consistent with the guidelines for landside facilities such as hotels and resorts. We request comment on this proposed scoping provision.

The Survey of Income and Program Participation (SIPP) sponsored by the U.S. Census Bureau asks questions about hearing aid use; difficulty hearing what is said in a normal conversation (even when wearing a hearing aid); and deafness (unable to hear) for persons aged 6 and older. We had a report prepared that converted the SIPP data on individuals who had hearing impairments to households that have a member who had a hearing impairment because families typically go on cruises for vacation and leisure travel.[29] This report is referred to as the household report.

The household report shows about 9 percent of households in 2010 had a member with a hearing impairment (i.e., had difficulty hearing a normal conversation, used a hearing aid, or was

[29] Mitch P. LaPlante and H. Stephen Kaye, Mobility Device Use and Hearing Impairments Among Individuals and Households: 1990–2010 (February 15, 2013) at: *http://www.access-board.gov/pvag/.*

deaf). The percent of households that have a member who used a hearing aid or was deaf is about 5 percent.

The SIPP reports fewer individuals with hearing impairments compared to the National Health and Nutritional Examination Survey (NHANES). NHANES asks questions about hearing trouble (no trouble, a little, a lot, deaf) and includes audiometric testing of participants. NHANES data for persons aged 12 and older show 30 million (12.7%) had a bilateral hearing loss and the number increases to 48.1 million (20.3%) when unilateral hearing loss is included.[30] SIPP data for persons aged 15 and older show 7.6 million (3.1%) had difficulty hearing a normal conversation, including 5.6 million (2.3%) used a hearing aid and 1.1 million (0.5%) were deaf.[31]

Guest rooms with communication features would be required to provide visible notification appliances in the room to alert and awaken passengers who are deaf or who have a hearing loss of general emergency alarms and guest room smoke detector alarms. For U.S. flag vessels, the visible notification appliances would be required to comply with the NFPA 72 National Fire Alarm Code. For foreign flag vessels that operate in U.S. ports, we are considering referencing the International Maritime Organization guidelines in the final guidelines.[32] We request comment on this proposal.

Question 30. What additional costs would be associated with providing visible notification appliances in guest rooms with communication features on foreign flag vessels that operate in U.S. ports?

Guest rooms with communication features also would be required to provide visible devices to alert room occupants of incoming telephone calls and a door knock or bell, and telephones in the rooms would be required to have volume controls and an electrical outlet within 48 inches of the telephone to facilitate use of a TTY.

The Passenger Vessel Emergency Alarms Advisory Committee recommended that portable devices be permitted in guest rooms and that the Cruise Lines International Association develop guidelines to ensure that portable devices would be effective and reliable in alerting and awakening passengers who are deaf or have a hearing loss when general emergency alarms and guest room smoke detector alarms are activated. The Cruise Lines International Association convened a group to develop guidelines for portable devices but, after the group met, it concluded that it did not have the expertise for the task. In the absence of guidelines that ensure portable devices would be effective and reliable in alerting and awakening passengers who are deaf or have a hearing loss when general emergency alarms and guest room smoke detector alarms are activated, we did not consider portable devices.

V225 Storage

This section would require at least one of each type of storage in accessible spaces to comply with the proposed technical provisions for storage in V807, including clear deck space (V807.2); height (V807.3); and operable parts (V807.4).

V226 Tables and Counters

This section would require at least 5 percent of the seating or standing spaces at tables or counters provided for passenger use in areas other than assembly areas and transportation seating areas to comply with the proposed technical provisions for tables and counters in V902, including clear deck space (V902.2) and height (V902.3). The section would require the accessible tables or counters to be dispersed throughout the area where the tables and counters are provided.

V227 Sales and Service

This section would apply to check-out aisles, sales and service counters, food service lines, and queues and waiting lines. The section would require a minimum number of check out aisles to comply with the proposed technical provisions in V904.3, including walking surfaces (V904.3.1); counter height (V904.3.2); and check writing surfaces (V904.3.3). For instance, where 1 to 4 check out aisles are provided, at least one would be required to comply with the proposed technical provisions in V904.3.

The section would require at least one of each type of sales counter and service counter to comply with the proposed technical provisions in V904.4, which would specify dimensions for an accessible portion of the counter and would require a clear deck space for a parallel approach or forward approach to the accessible portion of the counter. An exception is proposed for sales counters and service counters on smaller passenger vessels where the largest deck is less than 3,000 square feet and the employee side of the counter is 80 inches or less in linear length.

The section would require food service lines to comply with the proposed technical provisions in V904.5, which would require self-service shelves and dispensing devices to be within the proposed technical provisions for reach ranges in V308 and would specify dimensions for the height of tray slides.

The section would require queues and waiting lines that serve check-out aisles or sales counters and service counters that meet the proposed technical provisions in V904.3 or V904.4 to comply with the proposed technical provisions for walking surfaces in V403.

V228 Depositories, Vending Machines, Change Machines, and Mail Boxes

This section would require at least one of each type of depository, vending machine, and change machine to comply with the proposed technical provisions for operable parts in V309, including clear deck space (V309.2); height (V309.3); and operation (V309.4).

Where mail boxes are provided in an interior location for passenger use, the section would require at least 5 percent, but no fewer than one, of each type to comply with the proposed technical provisions for operable parts in V309 described above.

V229 Dressing, Fitting, and Locker Rooms

This section would require at least 5 percent, but no fewer than one, of each type of dressing, fitting, and locker rooms provided in each cluster for passenger use to comply with the proposed technical provisions in V803, including turning space (V803.2); door swing (V803.3); benches (V804.3); and coat hooks and shelves (V803.5).

V230 Through V237 Recreational Facilities

These sections would apply where the following recreation facilities are provided on passenger vessels: exercise machines and equipment (V230); miniature golf facilities (V231); play areas (V232); saunas and steam rooms (V233); swimming pools, wading pools, and spas (V234); shooting facilities (V235); gaming and arcade machines (V236); and post-mounted binoculars (V237). The sections would require a minimum number of these facilities to

[30] Frank R. Lin, John K. Niparko, and Luigi Ferrucci, Hearing Loss Prevalence in the United States, JAMA Internal Medicine (November 14, 2011) at: *http://archinte.jamanetwork.com/article.aspx?articleid=1106004.*

[31] U.S. Census Bureau, Americans with Disabilities: 2010 at: *http://www.census.gov/prod/2012pubs/p70–131.pdf.*

[32] International Maritime Organization, Guidelines for the Design and Installation of a Visible Element to the General Emergency Alarm System on Passenger Ships, MSC.1/Circ.1418, June 13, 2012 at: *http://www.imo.org/OurWork/Circulars/Pages/IMODOCS.aspx.*

comply with the proposed technical provisions for the facilities.

Earlier drafts of the guidelines considered requiring sloped entries to pools as an alternative to pool lifts. The cruise industry noted that sloped entries to pools are not provided on cruise ships due to the space constraints. The proposed guidelines do not require sloped entries to pools. The proposed guidelines would allow sloped entries or transfer systems as an accessible means of entry to wading pools. The proposed guidelines would require at least one pool lift to be provided for each swimming pool. Where more than one swimming pool is provided in a cluster, an exception is proposed that would require at least one of each type of pool to provide a pool lift and the other pools to provide transfer walls, transfer systems, or pools stairs complying with the applicable proposed technical provisions in Chapter V 10.

Service Animal Relief Areas

Individuals with disabilities who use service animals have reported traveling difficulties due to the absence of service animal relief areas on passenger vessels. We are considering requiring service animal relief areas on passenger vessels in the final guidelines.

Question 31. Are service animal relief areas currently provided on passenger vessels? What criteria should be used to determine when service animal relief areas are needed? For instance, should need for service animal relief areas be based on the length of trip or total travel time? How many service animal relief areas should be provided on passenger vessels? Should the number vary based on the size of passenger vessel? Where should service animal relief areas be located on passenger vessels? What should be the design criteria for service animal relief areas? What costs are associated with providing service animal relief areas?

Chapter V 3: Building Blocks

Chapter V 3 contains proposed technical provisions that form the building blocks for accessible features. They are referenced in proposed scoping provisions in Chapter V 2 and in proposed technical provisions in Chapters V 4 through V 11. The proposed technical provisions in Chapter V 3 include deck surfaces (V302); changes in level (V303); turning space (V304); clear deck space (V305); knee and toe clearance (V306); protruding objects (V307); reach ranges (V308); and operable parts (V309). The proposed technical provisions in Chapter V 3 are the same as those for landside facilities except as noted below.

A proposed exception would not require openings and changes in level in deck surfaces for vehicle tie-downs on ferries that are flush with the deck surface and are not located within an onboard accessible route to comply with the proposed technical provisions for openings and changes in level. Another proposed exception would permit larger openings for drains that are not located within an onboard accessible route where the administrative authority determines that larger openings are needed for deck drainage.

V307 Protruding Objects

Where doors are required by the administrative authority to have coamings, an exception is proposed that would permit the vertical clearance at the door to be measured from the finish deck surface adjacent to the coamings and not the top of the coamings.

A comment on earlier drafts of the guidelines noted that U.S. Coast Guard regulations permit vertical clearances to be 74 inches on circulation paths and that the proposed technical provisions for protruding objects would require 80 inches minimum vertical clearance, which would affect deck height and may create stability problems. The ferry case studies found that there were no stability problems due to this proposed technical provision.

Chapter V 4: Onboard Accessible Routes and Accessible Passenger Boarding Systems

Chapter V 4 contains proposed technical provisions for the components of onboard accessible routes and accessible passenger boarding systems, including walking surfaces with running slopes less than 1:20 (V403); doors, doorways, and gates (V404); ramps (V405); curb ramps (V406); elevators (V407); limited use-limited application elevators (V408); and platform lifts (V409). In addition, Chapter V 4 contains proposed technical provisions for components that are specific to accessible passenger boarding systems, including gangways (V410) and manually powered boarding lifts (V411). The proposed technical provisions in Chapter V 4 are the same as those for landside facilities except as noted below.

V403 Walking Surfaces

Walking surfaces on vehicle decks would be permitted to overlap vehicle ways. For smaller passenger vessels where the largest deck is less than 3,000 square feet, proposed exceptions would permit the clear width of the walking surface to be 32 inches wide minimum instead of 36 inches wide minimum and would permit fold-down seats to project into walking surface clearances when the seats are in the down position. The proposed exceptions would reduce the impact on smaller passenger vessels such as ferries permitted to carry 150 or fewer passengers.

V404 Doors, Doorways, and Gates

Exceptions are proposed for doors and gates intended to be operated only by employees, and for doors and gates at entry and departure points.

V404.2.5 Thresholds and Coamings

U.S. Coast Guard regulations and international conventions require certain doors on passenger vessels to have raised thresholds known as coamings that are three or more inches in height to provide a watertight barrier at the base of the doors. Coamings are essential to vessel stability and safety, but present barriers to accessibility. This section contains proposed technical provisions for thresholds provided at doorways without coamings, and for single ramp access or double ramp access and automatic doors at doorways with coamings.

An exception is proposed that would permit a ¾ inch high maximum non-beveled threshold on the sealing side of weathertight doors where required by the administrative authority to meet weathertight door sealing requirements provided that the thresholds contrast visually with adjacent deck surfaces. This exception can be used at doorways without coamings, and doorways with coamings where single ramp access or double ramp access and automatic doors are provided. Before using this exception at doorways with coamings where single ramp access or double ramp access and automatic doors are provided, alternatives should be explored with the administrative authority such as installing drainage systems where weathertight doors seal against the top of ramp surfaces.

V404.2.5.1 Doorways Without Coamings

This section would require thresholds at doorways without coamings to be ½ inch high maximum with a beveled edge on each side. An exception is proposed that would permit existing or altered thresholds to be ¾ inch high maximum with a beveled edge on each side.

V404.2.5.2 Doorways With Coamings

This section would require doorways with coamings to conform to the

minimum coaming height determined by the administrative authority.

Question 32. Do passenger vessels exceed the minimum coaming height determined by the administrative authority? If so, comments should provide information explaining conditions where the minimum coaming height is exceeded.

The Passenger Vessel Access Advisory Committee recommended that single ramp access or double ramp access and automatic doors be provided at doorways with coamings. We sponsored a research project by the Volpe National Transportation Systems Center to examine potential access solutions to doorways with coamings.[33] A working group organized by the U.S. Coast Guard and the Passenger Vessel Association reviewed the research project report. The proposed technical provisions for doorways with coamings considered in the earlier drafts of the guidelines are revised based on the research project report, case studies, and input from the U.S. Coast Guard and Passenger Vessel Association working group.

For single ramp access, this section would require a ramp on the side of the doorway to be protected from water infiltration. Changes in level would not be permitted within the maneuvering clearances specified on the other side of the door.

For double ramp access, this section would require ramps on each side of the doorway and automatic doors at the doorway. A exception is proposed that would not require automatic doors where the doors are intended to be operated only by employees.

For both single ramp access and double ramp access, this section would require the ramp width to be equal to or greater than the width of the maneuvering clearances specified on the side of the doorway where the ramp is provided. An exception is proposed that would not require landings at the top of ramps provided at doorways with coamings.

For smaller passenger vessels where the largest deck is less than 3,000 square feet, exceptions are proposed that would permit doorways with coamings that provide single ramp access to have steeper running slopes on ramp runs and the maneuvering clearances on the side of the doorway without a ramp to be 48 inches minimum in depth.

An exception is proposed that would not require single ramp access or double ramp access and automatic doors where the administrative authority permits coamings to be removable; the doors are intended to be operated only by employees; the coamings are readily removable by the employees; and the weather deck areas accessed by the doors are not open to passengers when the vessel is underway except in emergencies.

Where the administrative authority determines that it is not feasible to provide single ramp access or double ramp access and automatic doors at doorways with coamings due to space limitations and watertight doors are provided instead of weathertight doors, an exception is proposed that would permit the thresholds on the sides of the watertight doors containing the door seal to have non-beveled thresholds 1 ¼ inches high maximum provided that the thresholds contrast visually with adjacent deck surfaces.

V404.2.7 Door and Gate Hardware

This section would require the force to activate operable parts of door and gate hardware to not exceed 5 pounds. Where the administrative authority determines that greater force is necessary, an exception would permit the administrative authority to establish the maximum force.

V404.2.9 Door and Gate Opening Force

This section would require fire doors and watertight doors for passenger use to have the minimum opening force determined by the administrative authority.

Question 33. Do fire doors and watertight doors for passenger use exceed the minimum opening force determined by the administrative authority? If so, comments should provide information explaining conditions where the minimum opening force is exceeded.

The section would require other doors and gates for passenger use, except exterior hinged doors and gates, to have an opening force of 5 pounds maximum. Where the administrative authority determines that greater force is necessary, an exception would permit the administrative authority to establish the maximum force.

A proposed exception would not require doors on sailing vessels to comply with the proposed technical provisions for opening force.

V405 Ramps

For smaller passenger vessels where the largest deck is less than 3,000 square feet, proposed exceptions would permit the clear width of ramp runs (including the clear width between handrails, where provided) to be 32 inches minimum instead of 36 inches minimum; and the length of landings at the top and bottom of ramp runs to be 48 inches long minimum instead of 60 inches long minimum.

V407 Elevators

This section would permit any door location on elevator cars that have 36 inches minimum door clear width.

V407 Elevators and V408 Limited Use-Limited Application Elevators

Where elevator cars provide emergency two-way communication systems, these sections would require the systems to provide a visual signal acknowledging that an emergency signal was received at the bridge or other space where emergency actions are directed.

Where a passenger vessel has more than one entry deck, an exception is proposed that would not require the elevator car control button for the entry deck to be identified with the entry deck tactile symbol.

V409 Platform Lifts

This section would require platform lifts to have a 450 pounds minimum rated load. We are considering increasing the rated load to 660 pounds for inclined platform lifts and 750 pounds for vertical platform lifts in the final guidelines. Product reviews of available inclined and vertical platform lifts show that they meet the higher rated loads.

Question 34. Are inclined lifts complying with the ASME A18.1- 2011 Safety Standard for Platform Lifts and Stairway Chairlifts available that have rated loads greater than 660 pounds? How much more do inclined platform lifts with a 660 pounds rated load and vertical platform lifts with a 750 pounds rated load cost compared to platform lifts with a 450 pounds rated load? What are the benefits of inclined platform lifts with a 660 pounds rated load and vertical platform lifts with a 750 pounds rated load compared to platform lifts with a 450 pounds rated load?

For smaller passenger vessels where the largest deck is less than 3,000 square feet, a proposed exception would permit the lift platform to be to be 32 inches wide minimum where it is approached at the short side in order to allow the use of inclined platform lifts.

V410 Gangways

This section contains proposed technical provisions for gangways that are part of accessible passenger boarding systems, including slope (V410.2); cross slope (V410.3); surfaces (V410.4); clear width (V410.5); transition plates

[33] Volpe National Transportation Systems Center, ADA Access to Passenger Vessels: Finding Safety Equivalence Solutions for Watertight Doors with Coamings at: *http://www.access-board.gov/pvag/.*

(V410.6); landings (V410.7); handrails (V410.8); edge protection (V410.9); and wet conditions (V410.10).

The section would require gangway runs to have a running slope of 1:12 maximum. For gangways carried on passenger vessels, a proposed exception would limit the total length of the gangway run or series of gangway runs to the beam of the passenger vessel (width of the vessel at its widest point). For gangways provided at landside facilities, a proposed exception would limit the total length of the gangway run or series of gangway runs to 120 feet. This would result in gangways with running slopes steeper than 1:12 in locations where there are severe tidal or water fluctuations. However, satisfactory solutions cannot be achieved under all conditions in the marine environment. We defer to DOT and DOJ to address when accessible passenger boarding systems, including gangways, would be required since passenger boarding systems can be provided at landside facilities and involve operational issues between the owner or operator of the landside facilities and the passenger vessel owner or operator that DOT and DOJ are authorized to address.

The section would prohibit changes in level, other than running slope and cross slope, on surfaces of gangway runs. A proposed exception would permit changes in level ¼ inch without a bevel and ½ inch with a bevel on surfaces of gangway runs where conditions result in gangways with slopes greater than 1:4. Another proposed exception would permit changes in level on the portion of the surface of a gangway run that is outside a 36 inches wide minimum surface located between handrails and free of changes in level.

For vehicle ferries, a proposed exception for running slope would be permitted where the only way for pedestrian passengers to embark or disembark is by way of a gangway that also functions as a vehicle transfer bridge. Another proposed exception would permit readily removable handrails on gangways that also function as a vehicle transfer bridge.

For smaller passenger vessels where the largest deck is less than 3,000 square feet, a proposed exception would permit the clear width of gangway runs (including the width between handrails, where provided) to be 32 inches minimum instead of 36 inches minimum.

V411 Manually Powered Boarding Lifts

This section contains the proposed technical provisions for manually powered boarding lifts, including design load (V411.2); controls (V411.3); emergency operation (V411.4); equipment failure (V411.5); platform barriers (V411.6); platform surface and size (V411.7); platform approaches (V411.8); platform direction (V411.10); and handrails (V411.11). Manually powered boarding lifts can be used as a component of an accessible passenger boarding system or to access tender boarding platforms in certain conditions.

Chapter V 5: General Passenger Vessel Elements

Chapter V 5 contains the proposed technical provisions for pool stairs, including treads and risers (V502.2); closed risers (V502.3); tread surface (V502.4); nosings (V502.5); and handrails (V502.6);. Chapter V 5 also contains the proposed technical provisions for handrails, including where they would be required (V503.1 and V503.2); continuity (V503.3); height (V503.4); clearance (V503.5); gripping surface (V503.6); cross section (V 503.7); surfaces (V5003,8); fittings (V503.9); and handrail extensions (V503.10). The proposed technical provisions in Chapter V 5 are the same as those for landside facilities except as noted below.

Where the administrative authority requires handrails along walking surfaces with slopes not steeper than 1:20 to be located more than 38 inches above the deck, a proposed exception would not require the handrails to comply with the proposed technical provision for height.

Chapter V 6: Plumbing Elements and Facilities

Chapter V 6 contains the proposed technical provisions for drinking fountains (V602); toilet and bathing rooms (V603); water closets and toilet compartments (V604); urinals (V605); lavatories and sinks (V606); bathtubs (V607); shower compartments and rinsing showers (V608); grab bars (V609); tub and shower seats (V610); laundry equipment (V611); and saunas and steam rooms (V612). The proposed technical provisions in Chapter V 6 are the same as those for landside facilities.

Comments from the cruise industry on earlier drafts of the guidelines noted the need for flexibility in designing bathrooms in guest rooms with mobility features. The proposed technical provisions in V603.2.2 permit clear deck spaces, clearances at fixtures, and turning spaces in bathrooms to overlap (e.g., clearances at water closets and roll-in showers can overlap). A grab bar would be required on the side wall opposite the seat in roll-in showers only if a side wall is provided. If no sidewall is provided, a grab bar would not be required.

Chapter V 7: Communication Elements and Features

Chapter V 7 contains the proposed technical provisions for visible notification appliances for general emergency alarms in public areas (V702); signs (V703); telephones (V704); two-way communication systems (V705); assistive listening systems (V706); and automatic teller machines and fare machines (V707). Except for general emergency alarms, which are discussed under Chapter V 2, the proposed technical provisions in Chapter V 7 are the same as those for landside facilities.

Chapter V 8: Special Rooms, Spaces, and Elements

Chapter V 8 contains the proposed technical provisions for wheelchair spaces, companion seats, and designated aisle seats (V802); dressing, fitting, and locker rooms (V803); galleys and pantries (V804); medical care facilities (V805); passenger guest rooms (V806); and storage (V807). The proposed technical provisions in Chapter V 8 are the same as for landside facilities except as noted below.

V802 Wheelchair Spaces

For ferries permitted to carry 150 or fewer passengers that provide only one transportation seating area under 100 square feet, a proposed exception would permit wheelchair spaces in the transportation seating area to overlap onboard accessible routes, accessible means of escape, and means of escape required by the administrative authority. A proposed exception would not require shoulder alignment of wheelchair spaces and companion seats at tables and counters.

V806.2 Guest Rooms With Mobility Features

A proposed exception would permit shelving to be used in bathrooms to provide comparable counter top space. Where doors connect adjacent guest rooms and one of the guest rooms does not provide mobility features, a proposed exception would not require the door on the side of the guest room that does not provide mobility features to comply with the proposed technical provisions for maneuvering clearances.

Where windows are provided in guest rooms with mobility features for operation by passengers, this section would require at least one window to meet the proposed technical provisions for operable parts in V309, including 5 pounds maximum force to operate.

Question 35. Are marine windows available that do not require more than 5 pounds force to operate? Can methods or products used to facilitate window operation in landside facilities be used in the marine environment? Are automated marine windows available?

Question 36. In new construction, can balcony doors that are not required to have coamings be designed to meet the proposed technical provisions in V404.2.5.1 for height (½-inch maximum) and openings (not allow passage of a sphere more than ½ inch in diameter)? Can drains be provided at balconies to prevent water from entering guest rooms?

For the final guidelines, we are considering technical provisions for beds that are fixed in place, including bed height and clearance between upper and lower berths.

Question 37. Is the 17 inches to 19 inches height specified for shower seats and water closets appropriate for beds in guest rooms with mobility features? What should be the minimum clear height above the lower berth where upper and lower berths are provided?

Chapter V 9: Built-In Elements

Chapter V 9 contains the proposed technical provisions for built-in elements, including tables and counters (V902); benches (V903); and sales and service counters (V904). The proposed technical provisions in Chapter V 9 are the same as for landside facilities except as noted below.

Proposed exceptions would permit clear deck spaces at low beverage tables and narrow counters to be positioned for a parallel approach by passengers who use wheelchairs.

Chapter V 10: Recreation Facilities

Chapter V 10 contains the proposed technical provisions for recreation facilities, including exercise machines and equipment (V1002); miniature golf facilities (V1003); play areas (V1004); swimming pools, wading pools, and spas (V1005); and shooting positions (V1006). The proposed technical provisions in Chapter V 10 are the same as for landside facilities.

The proposed technical provisions for pool lifts would require single person pool lifts to have a weight capacity of 300 pounds minimum and be capable of sustaining a static load of at least one and a half times the rated load.

Question 38. Are there factors unique to the marine environment that may warrant different technical provisions for pool lifts on passenger vessels, including lifting capacity?

Chapter V 11: Tenders

Chapter V 11 contains proposed scoping and technical provisions for tenders permitted to carry more than 59 passengers. Chapter V 11 would require tenders to provide at least two wheelchair spaces. Chapter V 11 also would require at least one onboard accessible route to connect each wheelchair space to the entry and departure points of the tender used by passengers in non-emergency conditions serving the seating area in which the wheelchair space is located.

Question 39. Are there new tenders that do not meet the proposed scoping and technical provisions in Chapter V 11?

8. Regulatory Analyses

Executive Order 13563 (Improving Regulation and Regulatory Review) and Executive Order 12866 (Regulatory Planning and Review)

The Office of Management and Budget has reviewed the proposed guidelines in accordance with Executive Orders 13563 and 12866. Among other things, Executive Order 13563 directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; tailor the regulation to impose the least burden on society, consistent with obtaining the regulatory objectives; and, in choosing among alternative regulatory approaches, select those approaches that maximize net benefits. Executive Order 13563 recognizes that some benefits are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

We prepared a regulatory assessment of the costs and benefits of the proposed guidelines. The regulatory assessment is available at: *http://www.access-board.gov/pvag/* and *http://www.regulations.gov.* We estimate the compliance costs separately for: (1) ferries, multi-purpose vessels such as dinner vessels and excursion vessels, and small cruise ships; and (2) large cruise ships operating in U.S. ports. We consider cruise ships permitted to carry between 50 and 299 overnight passengers small cruise ships, and cruise ship permitted to carry 300 or more passengers large cruise ships.

Ferries, Multi-Purpose Vessels, and Small Cruise Ships

We estimate there were 454 ferries, 346 multi-purpose vessels, and 32 small cruise ships in the size categories covered by the proposed guidelines operating in U.S. ports as of 2010. These 832 vessels are listed in Appendix I to the regulatory assessment, along with the data sources.

Question 40. Are there vessels listed in Appendix I that should not be included in the appendix (e.g., vessels retired)? Are there vessels not listed in Appendix I that should be included in the appendix?

We estimate 387 of the ferries (85%), 286 of the multi-purpose vessels (83%), and 23 of the small cruise ships (72%) for a total of 696 of the vessels (84%) are expected to reach the end of their service life over 20 years. We assume these vessels would be replaced by new vessels and the new vessels would have the same passenger and vehicle capacity, passenger amenities, and number of passenger decks as the vessels they replace. We also assume the total number of vessels would be stable over 20 years.

We conducted case studies of ten vessels to develop estimates of the compliance costs. We divided the 696 vessels that we assume to be replaced over 20 years into 13 groups by type and size of vessel and extrapolated the compliance costs from the case study vessels to these vessels. See Table 8 in regulatory assessment for the 13 groups of vessels and case study vessels matched with each group. The compliance costs include the following components:

- *Vertical Access Construction Cost.* This is the cost of installing an elevator, limited use-limited application elevator (LULA), or platform lift to connect passenger decks on a vessel with more than one deck. See Table 9 in the regulatory assessment for estimates of the vertical access construction costs for the vessels
- *Other Accessible Feature Costs.* This includes the cost to expand toilet rooms; modify doors and thresholds; install automatic doors at doorways with coamings and double ramps; add assistive listening systems; and provide protected waiting areas as part of an accessible means of escape where passengers with disabilities wait for crew assistance during emergencies. See Table 10 in the regulatory assessment for estimates of the other accessible feature costs for the vessels.
- *Lengthening Cost.* This is the cost of increasing the length of a vessel to accommodate the accessible features

and maintain passenger and vehicle capacity. See Table 11 in the regulatory assessment for estimates of the costs to lengthen the vessels.

• *Redesign Cost.* This is the cost for architectural design drawings for a new vessel that differs in design from the vessel it replaces. See Table 12 in the regulatory assessment for estimates of the redesign costs for the vessels.

• *Vertical Access Maintenance Cost.* This is the annual cost of maintaining an elevator, LULA, or platform lift to connect passenger decks. See Table 13 in the regulatory assessment for estimates of the vertical access maintenance costs for the vessels.

• *Automatic Door Maintenance Cost.* This is the annual cost of maintaining and replacing automatic doors at doorways with coamings and double ramps. See Table 13 in the regulatory assessment for estimates of the automatic door maintenance costs for the vessels.

• *Engine Maintenance Cost.* This is the annual cost for additional engine maintenance due to added weight from the accessible features and vessel lengthening. See Table 14 in the regulatory assessment for estimates of the engine maintenance costs for the vessels.

• *Fuel Cost.* This is the annual cost for additional fuel consumption due to installing an elevator, LULA, or platform lift to connect passenger decks and vessel lengthening. See Table 14 in the regulatory assessment for estimates of the additional annual fuel costs for the vessels.

We estimate the total compliance costs for the vessels annualized over 20 years are $16 million discounted at 7 percent and 3 percent. See Table 15 in the regulatory assessment for the total estimated compliance costs.

Question 41. We request comment on the following questions regarding the regulatory assessment:

(a) Is it reasonable to assume the number of ferries, multi-purpose vessels, and small cruise ships to which the proposed guidelines would apply would be stable over 20 years? Comments should include information to support alternate assumptions.

(b) Are the compliance cost estimates reasonable? If the estimates are not reasonable, comments should identify the specific estimate that is not reasonable and alternative methods or sources of information to improve the estimate.

(c) Would providing an elevator, LULA, or platform lift on the vessels in Table 9 in the regulatory assessment result in increased electrical loads that would require larger electric generator systems? Comments should include cost estimates for larger electric generator systems, where possible.

(d) Are the assumptions regarding the increases in fuel consumption in Table 14 in the regulatory assessment reasonable? Comments should include information to support alternate assumptions.

(e) Would increasing the length of the vessels in Table 11 in the regulatory assessment impact their use of docking areas? Comments should describe any impacts and how to estimate the costs of the impacts.

(f) Would the proposed guidelines result in vessel owners and operators reducing the passenger and vehicle capacity of the vessels or reducing passenger amenities such as fixed seating or guest rooms; or would vessel owners and operators increase the size of the vessels to maintain or increase the passenger and vehicle capacity and passenger amenities? If the passenger and vehicle capacity or passenger amenities would be reduced, we are interested in information to estimate the loss of capacity and net revenue loss.

(g) Are there other compliance costs associated with the proposed guidelines that are not identified in the regulatory assessment?

(h) Do the proposed guidelines have any unintended consequences for passenger vessels?

Large Cruise Ships

We estimate there were 113 large cruise ships operating in U.S. ports as of 2011. These large cruise ships are listed in Appendix II to the regulatory assessment, along with the data sources.

Question 42. Are there large cruise ships listed in Appendix II that should not be included in the appendix (e.g., vessels retired)? Are there large cruise ships not listed in Appendix II that should be included in the appendix?

New large cruise ships provide many accessible features that would be required by the proposed guidelines, including elevators to connect passenger decks; guest rooms with mobility features; guest rooms with communication features; wheelchair spaces and assistive listening systems in assembly areas; and pool lifts. We proposed to conduct case studies of new large cruise ships to examine the impact of the proposed guidelines on the vessels. However, we did not conduct case studies of large cruise ships because we could not find cruise ship owners and operators to participate in case studies. The cruise industry is concerned about the impact of the proposed scoping provision for guest rooms with mobility features. Due to the lack of information, we did not estimate the costs for large cruise ships to comply with the proposed guidelines other than the proposed scoping provision for guest rooms with mobility features.

Question 43. Would new large cruise ships incur incremental design, construction, operation and maintenance, or any other costs due to the proposed guidelines? Which proposed provisions would result in incremental costs? We are interested in information to estimate the incremental costs.

As discussed under V224.2 Guest Rooms with Mobility Features, the proposed guidelines would require cruise ships to provide a minimum number of guest rooms with mobility features. Guest rooms with mobility features are typically larger than other guest rooms to accommodate passengers who use wheelchairs or scooters. According to the cruise industry, two guest rooms with mobility features occupy the same square footage as three guest rooms resulting in the loss of one guest room for every two guest rooms with mobility features. We estimate the number of guest rooms that would be lost over 20 years under the proposed scoping provision in Chapter 3 of the regulatory assessment. We estimate the 113 large cruise ships operating in U.S. ports as of 2011 contained 123,516 guest rooms, including 2,392 guest rooms with mobility features (1.9% of the total number of guest rooms). We assume 5 percent of the guest rooms in the cruise fleet are replaced annually and the total number of guest rooms increases by 3 percent annually. Based on these assumptions, we estimate 786 guest rooms would be lost over 20 years under the proposed scoping provision against the baseline of the cruise industry practice in the absence of the guidelines. According to the cruise industry, each guest room produced $140,000 gross revenue in 2005. Adjusting this figure for inflation to $161,250 in 2011 dollars, we estimate the gross revenue loss annualized over 20 years is $50 million discounted at 7 percent, and $58 million discounted at 3 percent.

We do not estimate costs for tenders because the proposed provisions for tenders are minimal and new tenders meet the provisions.

Benefits

We do not quantify the benefits of the proposed guidelines due to the nature of the benefits. The proposed guidelines would address the discriminatory effects of architectural, transportation, and communication barriers

encountered by individuals with mobility, hearing, and vision disabilities on passenger vessels. Accessible passenger boarding systems would enable passengers with mobility disabilities to independently board and disembark from passenger vessels. Wheelchair spaces in seating areas would enable passengers who use wheelchairs or scooters to sit with other passengers. Passengers with mobility disabilities would be able to use toilet rooms and guest rooms on passenger vessels and cruise ships. Assistive listening systems would enable passengers who have difficulty hearing to listen to a narrated tour delivered on the public address system of an excursion vessel. Passengers who have difficulty seeing or are blind would be able to walk around passenger vessels without encountering protruding objects. The proposed guidelines would afford individuals with disabilities equal opportunity to travel on passenger vessels for employment, transportation, public accommodation, and leisure. The proposed guidelines would enable individuals with disabilities to achieve greater participation in society, independent living, and economic self-sufficiency. The benefits are difficult to quantify, but include important national values recognized in Executive Order 13563 such as equity, human dignity, and fairness.

The Survey of Income and Program Participation (SIPP) sponsored by the U.S. Census Bureau asks questions about whether persons have difficulty performing a specific set of functional activities.[34] The SIPP provides estimates of disability prevalence that are representative of the civilian non-institutionalized population living in the United States. We recognize that not all these individuals are likely to directly benefit from the proposed guidelines because some may not use passenger vessels covered by the proposed guidelines. We do not have information to estimate the number of people with mobility disabilities or their family members who would directly benefit from the proposed guidelines. We provide the data below for illustrative purposes.

Persons With Mobility Disabilities

The proposed provisions for accessible passenger boarding systems, onboard accessible routes, accessible means of escape, toilet rooms, wheelchair spaces in assembly areas and transportation seating areas, and guest rooms with mobility features would directly benefit persons with mobility disabilities who use passenger vessels covered by the proposed guidelines. The SIPP data show among persons aged 15 and older, 30.6 million (12.6%) had limitations associated with ambulatory activities of the lower body, including difficulty walking, climbing stairs, or using mobility devices. This number includes:

- 23.9 million (9.9%) had difficulty walking a quarter of a mile;
- 22.3 million (9.2%) had difficulty climbing a flight of stairs;
- 11.6 million (4.8%) used a cane, crutches, or walker to assist with mobility; and
- 3.6 million (1.5%) used a wheelchair or scooter.

Persons Who Have Difficulty Hearing or Are Deaf

The proposed provisions for assistive listening systems, general emergency alarms, and guest rooms with communication features would directly benefit persons who have difficulty hearing or are deaf and use passenger vessels covered by the proposed guidelines. The SIPP data show among persons aged 15 and older 7.6 million (3.1%) had difficulty hearing, including 5.6 million (2.3%) used a hearing aid and 1.1 million (0.5%) were deaf.

The SIPP reports fewer persons with hearing impairments compared to the National Health and Nutritional Examination Survey (NHANES). NHANES includes audiometric testing of participants. NHANES data for persons aged 12 and older show 30 million (12.7%) had a bilateral hearing loss and the number increases to 48.1 million (20.3%) when unilateral hearing loss is included.[35]

Persons Who Have Difficulty Seeing or Are Blind

The proposed provisions for protruding objects, elevator call buttons and signals, and tactile and visual characters on signs would directly benefit persons who have difficulty seeing or are blind and use the passenger vessel covered by the proposed guidelines. The SIPP data show among persons aged 15 and older, 8.1 million (3.3%) had difficulty seeing, including 2.0 million (0.8%) were blind.

Question 44. Do the proposed guidelines have other qualitative benefits? Are there methods or sources of information for monetizing or quantifying the benefits of the proposed guidelines?

Primary Estimates of Costs and Benefits

The primary estimates of the costs and benefits of the proposed guidelines are shown in Table 6. We estimate the total compliance costs annualized over 20 years are $66 million discounted at 7 percent, and $74 million discounted at 3 percent.

TABLE 6—PRIMARY ESTIMATES OF COSTS AND BENEFITS OF PROPOSED GUIDELINES ANNUALIZED OVER 20 YEARS

[2011 Dollars]

Costs	7% Discount rate $66 million	3% Discount rate $74 million
Benefits	The proposed guidelines would address the discriminatory effects of architectural, transportation, and communication barriers encountered by individuals with mobility, hearing, and vision disabilities on passenger vessels. The proposed guidelines would afford these individuals equal opportunity to travel on passenger vessels for employment, transportation, public accommodation, and leisure. The benefits are difficult to quantify, but include important national values recognized in Executive Order 13563 such as equity, human dignity, and fairness.	

Question 45. Are there alternatives in addition to those included in the proposed guidelines that would: (1) achieve the statutory and regulatory objective to ensure that passenger vessels are readily accessible to and usable by passengers with disabilities; and (2) reduce the compliance costs for passenger vessel owners and operators?

[34] U.S. Census Bureau, Americans with Disabilities: 2010 at: *http://www.census.gov/prod/2012pubs/p70-131.pdf.*

[35] Frank R. Lin, John K. Niparko, and Luigi Ferrucci, Hearing Loss Prevalence in the United States, JAMA Internal Medicine (November 14, 2011) at: *http://archinte.jamanetwork.com/article.aspx?articleid=1106004.*

Initial Regulatory Flexibility Analysis

We are required by the Regulatory Flexibility Act to consider the impact of regulatory proposals on small entities; analyze alternatives that minimize the impact on small entities; and make the analysis available for comment. We included an initial regulatory flexibility analysis to meet the requirements of the Regulatory Flexibility Act in Chapter 7 of the regulatory assessment. The initial regulatory flexibility analysis estimates the compliance costs for small entities that construct new vessels to replace existing vessels. The initial regulatory flexibility analysis include tables showing the compliance costs for 13 groups of vessels by type and size.

Why are we issuing the proposed guidelines?

We are required by section 502 of the Rehabilitation Act and section 504 of the Americans with Disabilities Act (ADA) to issue accessibility guidelines for the construction and alteration of passenger vessels covered by the ADA. We are issuing the proposed guidelines pursuant to this statutory authority. The U.S. Department of Transportation (DOT) and U.S. Department of Justice (DOJ) are required to issue accessibility standards for the construction and alteration of passenger vessels covered by the ADA that are consistent with our guidelines. Passenger vessel owners and operators would not be required to comply with the guidelines until they are adopted by DOT and DOJ as accessibility standards for the construction and alteration of passenger vessels covered by the ADA.

What is the objective of, and legal basis for, the proposed guidelines?

The objective of the proposed guidelines is to ensure that newly constructed and altered portions of passenger vessels are readily accessible to and usable by individuals with disabilities. The legal basis for the proposed guidelines is section 502 of the Rehabilitation Act and section 504 of the ADA.

How many small entities would be affected by proposed guidelines?

The proposed guidelines would affect small businesses identified by the North American Industry Classification System (NAICS) codes listed in Table 7 and small governments with a population of 50,000 or less that own or operate passenger vessels, other than ferries or tenders, permitted to carry more than 150 passengers or more than 49 overnight passengers; ferries permitted to carry more than 99 passengers; and tenders permitted to carry more than 59 passengers.

TABLE 7—SMALL BUSINESS ADMINISTRATION SIZE STANDARDS

NAICS Code		Small business size
483112	Deep Sea Passenger Transportation	500 or fewer employees.
483114	Coastal and Great Lakes Passenger Transportation	500 or fewer employees.
483212	Inland Water Passenger Transportation	500 or fewer employees.
487110	Scenic and Sightseeing Transportation, Water	$7 million or less annual receipts.
713210	Casinos (except Casino Hotels)	$7 million or less annual receipts.

We estimate 381 small entities own or operate 635 vessels in the size categories covered by the proposed guidelines. This includes 372 small businesses that own or operate 257 ferries, 338 multi-purpose vessels, and 23 small cruise ships permitted to carry 50 to 299 overnight passengers; and 9 small governments that own or operate 16 ferries and 1 multi-purpose vessel.

What are the proposed compliance requirements?

The proposed guidelines would apply when small entities replace their existing vessels with new vessels or add new vessels to their fleet. The proposed guidelines, themselves, would not require existing vessels to be made accessible except where altered. The proposed guidelines contain proposed scoping and technical provisions. The proposed scoping provisions specify what passenger vessel features would be required to be accessible. Where multiple features of the same type are provided, the proposed scoping provisions specify how many of the features would be required to be accessible. The proposed technical provisions specify the design criteria for accessible features. The passenger vessel features addressed by the proposed scoping and technical provisions include onboard accessible routes connecting passenger decks and passenger amenities within decks; accessible means of escape; doorways and coamings; toilet rooms; wheelchair spaces in assembly areas and transportation seating areas; assistive listening systems; general emergency alarms; guest rooms; and other passenger amenities. The proposed guidelines include proposed technical provisions for accessible passenger boarding systems. However, we defer to DOT and DOJ to address when accessible passenger boarding systems would be required since passenger boarding systems can be provided at landside facilities and involve operational issues between the owner or operator of the landside facility and the passenger vessel owner or operator that DOT and DOJ are authorized to address.

What are the compliance costs for small entities?

We estimate the compliance costs for small entities that construct new vessels to replace existing vessels. As shown in Table 8, we estimate 533 vessels owned or operated by small entities would reach the end of their expected service life over 20 years beginning in 2011. We assume small entities would construct new vessels to replace these vessels. The estimated compliance costs are based on case studies and are adjusted to 2011 dollars.

TABLE 8—SMALL ENTITY VESSELS REPLACED BY NEW VESSELS OVER 20 YEARS

Vessel	Number	Number replaced over 20 years
Ferries	273	238
Multi-Purpose Vessels	339	279
Small Cruise Ships	23	16
Total	635	533

The compliance costs include the following components:

- *Vertical Access Cost.* This is the cost of installing an elevator, limited use-limited application elevator (LULA), or platform lift to connect passenger decks on a vessel with more than one deck. When small entities construct new vessels to replace existing vessels, we estimate 65 vessels would be required to provide a LULA at a cost of $297,000; 29 vessels would be required to provide

an elevator at a cost of $372,000; 5 small cruise ships that currently provide elevators would be required to provide larger elevators at a cost of $2,700; and 16 small cruise ships would be required to provide a platform lift to tender boarding platforms at the stern of the vessel at a cost of $27,700. See Table 22 in the regulatory assessment for the types and sizes of the vessels that would incur compliance costs for an elevator, LULA, or platform lift.

• *Other Accessible Feature Costs.* This includes the cost to expand toilet rooms; modify doors and thresholds; install automatic doors at doorways with coamings and double ramps; add assistive listening systems; and provide protected waiting areas as part of an accessible means of escape where passengers with disabilities wait for crew assistance during emergencies. When small entities construct new vessels to replace existing vessels, we estimate 516 vessels would incur compliance costs for other accessible features. The costs would range from $19,000 for mono-hull ferries permitted to carry 151 to 1,000 passengers plus vehicles to $631,000 for mono-hull ferries permitted to carry 1,001 or more passengers plus vehicles. The costs are higher for mono-hull ferries permitted to carry 1,001 or more passengers plus vehicles because the estimate is based on the case study of a 4,400 passenger and 30 vehicle ferry where the owner wanted to provide automatic sprinkler systems instead of protected waiting areas as part of an accessible means of escape even though the automatic sprinkler systems are more costly. The costs would be lower if protected waiting areas are provided. See Table 23 in the regulatory assessment for the types and sizes of the vessels that would incur compliance costs for other accessible features.

• *Lengthening Cost.* This is the cost of increasing the length of a vessel to accommodate the accessible features and maintain passenger and vehicle capacity. When small entities construct new vessels to replace existing vessels, we estimate 217 vessels would need to be lengthened due to the proposed guidelines. The costs would range from $60,000 for mono-hull ferries permitted to carry 100 to 150 passengers to $2,117,000 for some small cruise ships. See Table 23 in the regulatory assessment for the types and sizes of vessels that would incur compliance costs to lengthen the vessel.

• *Redesign Cost.* This is the cost for architectural design drawings for a new vessel that differs in design from the existing vessel it replaces. When small entities construct new vessels to replace existing vessels, we estimate 470 vessels would need to be redesigned due to the proposed guidelines. The costs would range from $2,000 for some mono-hull ferries permitted to carry 151 to 1,000 passengers plus vehicles to $261,100 for some small cruise ships. See Table 23 in the regulatory assessment for the types and sizes of the vessels that would incur compliance costs to redesign the vessel.

• *Additional Fuel Cost.* This is the annual cost for additional fuel consumption due to installing an elevator, LULA, or platform lift to connect passenger decks and vessel lengthening. When small entities construct new vessels to replace existing vessels, we estimate 243 vessels would incur additional fuel costs due to the proposed guidelines. The costs would range from $5,000 annually for mono-hull vessels permitted to carry 151 to 1,000 passengers to $214,000 annually for multi-hull vessels permitted to carry 151 to 600 passengers. See Table 24 in the regulatory assessment for the types and sizes of the vessels that would incur additional fuel costs.

• *Vertical Access Maintenance Cost.* This is the annual cost of maintaining an elevator, LULA, or platform lift to connect passenger decks. When small entities construct new vessels to replace existing vessels, we estimate 100 vessels would incur these annual maintenance costs. The costs would be $5,500 for an elevator or LULA, and $2,800 for a platform lift. See Table 24 in the regulatory assessment for the types and sizes of the vessels that would incur these annual maintenance costs.

• *Additional Engine Maintenance Cost.* This is the annual cost for additional engine maintenance due to added weight from the accessible features or vessel lengthening. When small entities construct new vessels to replace existing vessels, we estimate 37 vessels would incur these annual maintenance costs. The costs would be $22,000 for multi-hull ferries permitted to carry 100 to 150 passengers. See Table 24 in the regulatory assessment for the types and sizes of the vessels that would incur these annual maintenance costs.

• *Automatic Door Maintenance Cost.* This is the annual cost of maintaining and replacing the automatic doors provided at doorways with coamings and double ramps. When small entities construct new vessels to replace existing vessels, we estimate 54 vessels would incur these annual maintenance costs. The costs would range from $1,000 for mono-hull multi-purpose vessels permitted to carry 500 to 1,000 passengers, to $6,000 for mono-hull multi-purpose vessels permitted to carry 1,001 or more passengers. See Table 24 in the regulatory assessment for the types and sizes of the vessels that would incur these annual maintenance costs.

What significant alternatives did we consider?

We based the proposed guidelines on our accessibility guidelines for landside facilities. Table 25 in the regulatory assessment compares the proposed guidelines for passenger vessels to the guidelines for landside facilities to show the exceptions and alternative provisions that we propose to reduce the impact on passenger vessels owners and operators, including small entities.

Are there other relevant Federal rules?

DOT has issued regulations implementing the ADA for passenger vessels that provide designated public transportation services operated by state and local governments or specified public transportation services operated by private entities that are primarily engaged in the business of transporting people and whose operations affect commerce. DOT has reserved a subpart in the regulations for accessibility standards for the construction and alteration of passenger vessels in anticipation of our issuing these guidelines. See 49 CFR part 39, subpart E. DOJ has issued regulations implementing the ADA for state and local governments and public accommodations, including those provided on passenger vessels such as cruise ships, gaming vessels, and dinner vessels. See 28 CFR parts 35 and 36. Passenger vessel owners and operators would not be required to comply with the guidelines until they are adopted by DOT and DOJ as accessibility standards for the construction and alteration of passenger vessels covered by the ADA.

Executive Order 13132 (Federalism)

The proposed guidelines adhere to the fundamental federalism principles and policy making criteria in Executive Order 13132. The proposed guidelines are issued pursuant to the Americans with Disabilities Act (ADA), civil rights legislation that was enacted by Congress pursuant to its authority to enforce the Fourteenth Amendment to the U.S. Constitution and to regulate commerce. The ADA was enacted to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities and to ensure that the federal government plays a central role in enforcing the standards. See 42 U.S.C. 12101 (b) (1) and (3). The ADA recognizes the authority of state and local governments to enact and enforce laws that provide

for greater or equal protection for the rights of individuals with disabilities. See 42 U.S.C. 12201 (b). State and local government agencies were members of the advisory committee that provided recommendations for the proposed guidelines. We made drafts of the guidelines available for public comment in 2004 and 2006. State and local governments provided comments on the drafts. We considered the comments when developing the proposed guidelines.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act does not apply to proposed or final rules that enforce constitutional rights of individuals or enforce statutory rights that prohibit discrimination on the basis of race, color, sex, national origin, age, handicap, or disability. Since the proposed guidelines are issued pursuant to the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of disability, an assessment of their effect on state, local, and tribal governments, and the private sector is not required by the Unfunded Mandates Reform Act.

List of Subjects in 36 CFR Part 1196

Civil Rights, Incorporation by reference, Individuals with disabilities, Transportation.

Karen L. Braitmayer,
Chair.

For the reasons stated in the preamble, we propose to add part 1196 to title 36 of the Code of Federal Regulations to read as follows:

PART 1196—PASSENGER VESSELS ACCESSIBILITY GUIDELINES

Sec.
1196.1 Accessibility guidelines.
Appendix to Part 1196—Passenger Vessels Accessibility Guidelines

Authority: 29 U.S.C. 794f, 42 U.S.C. 12204.

§ 1196.1 Accessibility guidelines.

The accessibility guidelines for passenger vessels covered by the Americans with Disabilities Act (ADA) are set forth in the appendix to this part. The U.S. Department of Transportation (DOT) and U.S. Department of Justice (DOJ) are required to issue accessibility standards for the construction and alteration of passenger vessels covered by the ADA that are consistent with these guidelines. When DOT and DOJ issue accessibility standards for the construction and alteration of passenger vessels covered by the ADA, passenger vessel owners and operators are required to comply with the standards.

Appendix to Part 1196—Passenger Vessels Accessibility Guidelines

CHAPTER V 1: APPLICATION AND ADMINISTRATION

V101 Purpose

V101.1 General. This document contains scoping and technical requirements for accessibility to passenger vessels by individuals with disabilities. The requirements are to be applied during the design, construction, additions to, and alteration of facilities and elements on passenger vessels to the extent required by regulations issued by the U.S. Department of Transportation and the U.S. Department of Justice under the Americans with Disabilities Act of 1990 (ADA).

V101.2 Effect on Removal of Barriers in Existing Passenger Vessels. This document does not address existing passenger vessels unless altered at the discretion of a covered entity. The U.S. Department of Justice has authority over existing passenger vessels that are subject to the requirement for removal of barriers under title III of the ADA. Any determination that this document applies to existing passenger vessels subject to the barrier removal requirement is solely within the discretion of the U.S. Department of Justice and is effective only to the extent required by regulations issued by the U.S. Department of Justice.

V102 Dimensions for Adults and Children. The technical requirements are based on adult dimensions and anthropometrics. In addition, this document includes technical requirements based on children's dimensions and anthropometrics for drinking fountains, water closets, toilet compartments, lavatories and sinks, and tables and counters.

V103 Equivalent Facilitation. Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability.

V104 Standard Practices

V104.1 Dimensions. Dimensions that are not stated as ''maximum'' or ''minimum'' are absolute.

V104.1.1 Construction and Manufacturing Tolerances. All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.

V104.1.2 Slopes. Slopes are measured when the passenger vessel is in a static design condition at full load.

V104.2 Calculation of Percentages. Where the required number of elements or facilities to be provided is determined by calculations of ratios or percentages and remainders or fractions result, the next greater whole number of such elements or facilities shall be provided. Where the determination of the required size or dimension of an element or facility involves ratios or percentages, rounding down for values less than one half shall be permitted.

V105 Referenced Standards

V105.1 General. The standards listed in V105.2 are incorporated by reference in this document and are part of the requirements to the prescribed extent of each such reference. The Director of the Federal Register has approved these standards for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 (Incorporation by Reference). Copies of the referenced standards may be inspected at the Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., Suite 1000, Washington, DC 20004.

V105.2 Referenced Standards. The specific edition of the standards listed below are referenced in this document. Where differences occur between this document and the referenced standards, this document applies.

V105.2.1 ASTM. Copies of the referenced standards may be obtained from the American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken, Pennsylvania 19428 (*http://www.astm.org*).

ASTM F1292–99 Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment (see V1004.2.6.2).

ASTM F1292–04 Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment (see V1004.2.6.2).

ASTM F1487–01 Standard Consumer Safety Performance Specification for Playground Equipment for Public Use (see V106.5 ''Use Zone'').

ASTM F1951–99 Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment (see V1004.2.6.1).

V105.2.2 NFPA. Copies of the referenced standard may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169 -7471 (*http://www.nfpa.org*).

NFPA 72 National Fire Alarm Code, 2010 Edition (see V702.2, and V806.3.3.1).

V106 Definitions

V106.1 General. For the purpose of this document, the terms defined in V106.5 have the indicated meaning.

V106.2 Terms Defined in Referenced Standards. Terms not defined in V106.5 or in regulations issued by the U.S. Department of Justice and the U.S. Department of Transportation to implement the Americans with Disabilities Act, but specifically defined in a referenced standard, shall have the specified meaning from the referenced standard unless otherwise stated.

V106.3 Undefined Terms. The meaning of terms not specifically defined in V106.5 or in regulations issued by the U.S. Department of Justice and the U.S. Department of Transportation to implement the Americans with Disabilities Act, or in U.S. Coast Guard regulations, or in referenced standards shall be as defined by collegiate dictionaries in the sense that the context implies.

V106.4 Interchangeability. Words, terms and phrases used in the singular include the plural and those used in the plural include the singular.

V106.5 Defined Terms.

Accessible. A passenger vessel or portion thereof that complies with this document.

Addition. An expansion, extension, or increase in the gross deck area of a passenger vessel.

Administrative Authority. For U.S. flag vessels, the administrative authority is the U.S. Coast Guard. For foreign flag vessels, the administrative authority is entity designated by the foreign nation that adopts or enforces regulations and guidelines for the design, construction, or alteration of passenger vessels.

Alteration. A change to a passenger vessel that affects or could affect the usability of the passenger vessel or portion thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of bulkheads (walls) and partitions. Normal maintenance, painting or wallpapering, or changes to propulsion, mechanical and electrical systems are not alterations unless they affect the usability of the passenger vessel.

Area of Sport Activity. That portion of a room or space where the play or practice of a sport occurs.

Assembly Area. A portion of a passenger vessel, used for the purpose of entertainment or educational gatherings, or similar purposes. For the purposes of these requirements, assembly areas include, but are not limited to, classrooms, passenger meeting rooms, motion picture houses, auditoria, theaters, and dinner theaters.

Assistive Listening System (ALS). An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency modulation (FM), or infrared equipment.

Bulkhead Deck. The upper most deck to which watertight bulkheads (walls) and the watertight shell extend.

Camber. The transverse curvature given to the weather deck surfaces to shed water readily, increase deck surface strength, and increase headroom clearance on the centerline for the deck below. Also known as the rise or crown of a deck.

Catch Pool. A pool or designated section of a pool used as a terminus for water slide flumes.

Characters. Letters, numbers, punctuation marks and typographic symbols.

Children's Use. Describes spaces and elements specifically designed for use primarily by people 12 years old and younger.

Circulation Path. An exterior or interior way of passage provided for pedestrian travel, including but not limited to, weather deck areas, passageways, elevators, platform lifts, ramps, stairways, and landings.

Coaming. The vertical plating located at the base of a doorway for the purpose of stiffening the edges of the opening and resisting entry of water.

Cross Slope. The slope that is perpendicular to the direction of travel (see running slope).

Curb Ramp. A short ramp cutting through a curb or built up to it.

Deck. A horizontal division of a passenger vessel which contains space designed for passenger occupancy and generally corresponds to a story in a building. A horizontal division without enclosed space, such as a sun deck, is considered a deck even though it is not provided with a covering. A deck containing one or more mezzanines has more than one deck level.

Element. An architectural or mechanical component of a passenger vessel, facility, or space.

Elevated Play Component. A play component that is approached above the ground level of the play area and that is part of a composite play structure consisting of two or more play components attached or functionally linked to create an integrated unit providing more than one play activity.

Entry Deck. A deck which contains passenger entry and departure points which allow pedestrian passengers to embark or disembark a passenger vessel from tenders, fixed piers, floating piers, or the land in non-emergency conditions.

Facility. All or any portion of passenger vessels, structures, vessel improvements, elements, and pedestrian routes or vehicular ways located on a passenger vessel.

Ferry. A vessel that is used on a regular schedule to: (1) provide transportation only between places that are not more than 300 miles apart, and (2) transport only passengers, or vehicles or railroad cars used in transporting passengers or goods.

Gangway. A variable-sloped pedestrian walkway which consists of one or more runs.

Ground Level. The level within a deck where a play area is located.

Ground Level Play Component. A play component that is approached and exited at the ground level.

Mail Boxes. Receptacles for the receipt of documents, packages, or other deliverable matter.

Mezzanine. An intermediate level or levels between the deck surface and ceiling of any deck with an aggregate deck surface area of not more than one-third of the area of the room or space in which the level or levels are located. Mezzanines have sufficient elevation that space for human occupancy can be provided on the deck level below. Also known as the tween deck.

Operable Part. A component of an element used to insert or withdraw objects, or to activate, deactivate, or adjust the element.

Pictogram. A pictorial symbol that represents activities, facilities, or concepts.

Play Area. A portion of a passenger vessel containing play components designed and constructed for children.

Play Component. An element intended to generate specific opportunities for play, socialization, or learning.

Qualified Historic Passenger Vessel. A passenger vessel that is listed in or eligible for listing in the National Register of Historic Places or designated as historic under an appropriate State or local law.

Ramp. A walking surface that has a running slope steeper than 1:20.

Running Slope. The slope that is parallel to the direction of travel (see cross slope).

Sailing Vessel. A vessel principally equipped for propulsion by sail even if the vessel has an auxiliary means of propulsion.

Sheer. The fore-and-aft curvature from bow to stern of a ship's deck surface as shown in side elevation.

Soft Contained Play Structure. A play structure made up of one or more play components where the user enters a fully enclosed play environment that utilizes pliable materials, such as plastic, netting, or fabric.

Space. A definable area, such as a room, toilet room, corridor, assembly area, open deck area, storage room, alcove, or lobby

Structural Members. The components of the passenger vessel that give it its inherent strength, integrity, and resistance to damage. Examples include, but are not limited to, the keel, keelson, stem and stern posts, frames, longitudinals, structural decks, structural and fire protection bulkheads (walls), gussets, stanchions, columns, girders, beams, knees, trusses, and hull plating and planking.

Tactile. An object that can be perceived using the sense of touch.

Technically Infeasible. With respect to an alteration of a passenger vessel, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering an essential structural member; or because other existing physical or vessel constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

Tender. A vessel primarily intended for transporting passengers for non-emergency purposes between passenger vessels and shore side facilities.

Transition Plate. A sloping pedestrian walkway located at the end(s) of a gangway, or between gangways segments on a telescoping gangway.

Transportation Seating Area. An area, other than an assembly area, where fixed seats are provided for passengers.

TTY. An abbreviation for teletypewriter. Machinery that employs interactive text-based communication through the transmission of coded signals across the telephone network. TTYs may include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. TTYs are also called text telephones.

Use Zone. The area beneath and immediately adjacent to a play structure or play equipment that is designated by ASTM F1487 Standard Consumer Safety Performance Specification for Playground Equipment for Public Use (incorporated by reference, see ''Referenced Standards'' in Chapter 1) for unrestricted circulation around the play equipment and where it is predicted that a user would land when falling from or exiting the play equipment.

Vehicular Way. A route provided for vehicular traffic.

Wheelchair Space. Space for a single wheelchair and its occupant.

CHAPTER V 2: SCOPING REQUIREMENTS

V201 Application

V201.1 Scope. All areas of newly designed and newly constructed passenger vessels and altered portions of existing

passenger vessels shall comply with this document to the extent required by V201.1.

V201.1.1 Large Vessels. Passenger vessels, other than ferries and tenders, permitted to carry more than 150 passengers or more than 49 overnight passengers shall comply with Chapters V 1 through V 10.

V201.1.2 Ferries. Ferries permitted to carry more than 99 passengers shall comply with Chapters V 1 through V 10.

V201.1.3 Tenders. Tenders permitted to carry more than 59 passengers shall comply with Chapters V 1 and V 11.

V201.2 Application Based on Facility Use. Where a facility, room, or space on a passenger vessel contains more than one use, each portion shall comply with the applicable requirements for that use.

V201.3 Temporary and Permanent Structures. These requirements shall apply to temporary and permanent structures on passenger vessels.

V202 Existing Passenger Vessels

V202.1 General. Additions and alterations to existing passenger vessels shall comply with V202.

V202.2 Additions. Each addition to an existing passenger vessel shall comply with the requirements for new construction.

V202.3 Alterations. Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Chapter 2.

EXCEPTIONS: 1. Where elements or spaces are altered and the circulation path to the altered element or space is not altered, an onboard accessible route shall not be required.

2. In alterations, where compliance with applicable requirements is technically infeasible, the alteration shall comply with the requirements to the maximum extent feasible.

3. In alterations, each alteration shall provide accessibility to the maximum extent feasible where compliance with applicable provisions would result in: (a) an increase in tonnage that changes the passenger vessel's classification from 46 CFR Chapter I, Subchapter K (Small Passenger Vessels Carrying More Than 150 Passengers or With Overnight Accommodations For More Than 49 Passengers) or 46 CFR Chapter I, Subchapter T (Small Passenger Vessels (Under 100 Gross Tons)) to 46 CFR Chapter I, Subchapter H (Passenger Vessels); (b) a violation of the minimum requirements established by the administrative authority for the stability of the vessel; (c) a reduction in the structural integrity or fire resistance of a Class A or B bulkhead (wall) or deck surface; or (d) an increase in power load in excess of the existing power supply.

V202.3.1 Prohibited Reduction in Access. An alteration that decreases or has the effect of decreasing the accessibility of a passenger vessel below the requirements for new construction at the time of the alteration is prohibited.

V202.3.2 Extent of Application. An alteration of an existing element, space, or area of a passenger vessel shall not impose a requirement for accessibility greater than required for new construction.

V202.4 Alterations to Qualified Historic Passenger Vessels. Alterations to a qualified historic passenger vessel shall comply with V202.4.

EXCEPTION: Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for onboard accessible routes or toilet facilities would threaten or destroy the historic significance of the passenger vessel, the exceptions for alterations to qualified historic passenger vessels for that element shall be permitted to apply.

V203 General Exceptions

V203.1 General. Passenger vessels shall be exempt from these requirements to the extent specified by V203.

V203.2 Employee Areas and Features. Areas and features of passenger vessels which are intended for use only by employees shall not be required to comply with this document.

V203.3 Limited Access Spaces. Spaces accessed only by ladders, catwalks, crawl spaces, manholes, hatches, or very narrow passageways shall not be required to comply with this document.

V203.4 Camber and Sheer. Where necessary to meet camber and sheer needs of the vessel, running slopes and cross slopes shall comply with this document to the maximum extent feasible.

V203.5 Water Slides. Water slides shall not be required to comply with this document.

V203.6 Raised Diving Boards. Raised diving boards shall not be required to comply with this document.

V203.7 Diving Platforms and Swimming Platforms. Diving platforms and swimming platforms shall not be required to comply with this document, if the platforms: 1) are located on the outboard side of passenger vessels, 2) do not function as part of a passenger boarding system subject to V208, and 3) do not function as a tender boarding platform subject to V206.4.

V203.8 Raised Boxing and Wrestling Rings. Raised boxing or wrestling rings shall not be required to comply with this document.

V203.9 Furnishings. Furnishings that are not fixed to the passenger vessel shall not be required to comply with this document.

V204 Protruding Objects

V204.1 General. Protruding objects on circulation paths shall comply with V307. Stairways and stair towers on passenger vessels subject to 46 CFR 72.05–20 or 116.438 (e) shall be clear of all obstructions other than handrails.

EXCEPTIONS: 1. Within areas of sport activity, protruding objects on circulation paths shall not be required to comply with V307.

2. Within play areas, protruding objects on circulation paths shall not be required to comply with V307 provided that ground level accessible routes provide vertical clearance complying with V1004.2.

V205 Operable Parts

V205.1 General. Operable parts on elements required to comply with this document, on onboard accessible routes, and in rooms or spaces required to comply with this document shall comply with V309.

EXCEPTIONS: 1. Operable parts that are intended for use only by employees shall not be required to comply with V309.

2. Electrical or communication receptacles serving a dedicated use shall not be required to comply with V309.

3. Where two or more outlets are provided in a galley or pantry above a length of counter top that is uninterrupted by a sink or appliance, one outlet shall not be required to comply with V309.

4. Deck surface electrical receptacles shall not be required to comply with V309.

5. HVAC diffusers shall not be required to comply with V309.

6. Except for light switches, where redundant controls are provided for a single element, one control in each space shall not be required to comply with V309.

7. Exercise machines shall not be required to comply with V309.

V206 Onboard Accessible Routes

V206.1 General. Onboard accessible routes shall be provided in accordance with V206 and shall comply with V402.1.

V206.2 Where Required. Onboard accessible routes shall be provided where required by V206.2.

V206.2.1 Multi-Deck Passenger Vessels. At least one onboard accessible route shall connect each passenger deck and mezzanine in multi-deck passenger vessels. Where passenger vessels have multiple entry decks, at least one onboard accessible route shall connect each entry deck.

EXCEPTIONS: 1. Passenger vessels that have only two passenger decks shall not be required to provide an onboard accessible route to connect the decks unless both decks are entry decks.

2. Where each passenger deck is less than 3,000 square feet (279 m^2), the passenger vessel shall not be required to provide an onboard accessible route connecting passenger decks that are not entry decks.

3. Where a passenger vessel has more than one entry deck and is otherwise eligible to use exception 1 or 2, the entry decks shall not be required to be connected to an onboard accessible route provided that at least one designated entry deck: (a) serves each stop used for embarking and disembarking passengers, and (b) contains passenger amenities in accordance with V211.1.1, V213.1.1, V222.2, and V224.6, where such passenger amenities are provided on the vessel.

4. On high-speed passenger vessels that have only three passenger decks and do not transport vehicles or overnight passengers, an onboard accessible route shall not be required to connect the decks provided that at least one designated entry deck: (a) serves each stop used for embarking and disembarking passengers; (b) contains passenger amenities in accordance with V211.1.1, V213.1.1, V222.2, and V224.6, where such passenger amenities are provided on the vessel; and (c) contains at least one exterior passenger area that is uncovered by other decks, where an uncovered exterior passenger area is provided on the vessel.

5. On high-speed passenger vessels that do not transport overnight passengers, a deck

that has no enclosed passenger spaces and is not an entry deck shall not be required to be connected to an onboard accessible route provided that at least one exterior passenger area that is uncovered by other decks is provided on an entry deck or a deck connected to an entry deck by an onboard accessible route.

6. On vehicle ferries, where a deck, other than an entry deck, is divided into two separate segments and no horizontal circulation path is provided between the two segments, only one segment of the divided deck is required to be connected by an onboard accessible route.

7. On vehicle ferries, decks containing vehicle parking lanes that are designed to be raised and lowered and do not provide any other passenger amenities shall not be required to be connected to an onboard accessible route.

8. Decks, other than entry decks, that are less than 300 (28 m^2) square feet shall not be required to be connected to an onboard accessible route.

9. Decks below the bulkhead deck shall not be required to be connected to an onboard accessible route.

10. Where exceptions for alterations to qualified historic passenger vessels are permitted by V202.4, an onboard accessible route shall not be required between decks.

V206.2.1.1 Stairs and Escalators in Existing Passenger Vessels. In alterations and additions, where an escalator or stair is provided where none existed previously and major structural modifications are necessary for the installation, at least one onboard accessible route shall be provided between the levels served by the escalator or stair unless exempted by V206.2.1 Exceptions 1 through 10.

V206.2.2 Spaces and Elements. Within a deck, at least one onboard accessible route shall connect all spaces and elements within the passenger vessel required to comply with this document which are otherwise connected by a circulation path, unless exempted by V206.2.1 Exceptions 1 through 10.

EXCEPTIONS: 1. In assembly areas with fixed seating required to comply with V221, an onboard accessible route shall not be required to serve fixed seating where wheelchair spaces required to be on an onboard accessible route are not provided.

2. Onboard accessible routes shall not be required to connect mezzanines where passenger vessels have no more than one passenger deck. In addition, onboard accessible routes shall not be required to connect decks or mezzanines where multi-deck passenger vessels are exempted by V206.2.1 Exceptions 1 through 10.

V206.2.3 Restaurants and Cafeterias. In restaurants and cafeterias, at least one onboard accessible route shall be provided to all dining areas, including raised or sunken dining areas, and outdoor dining areas.

EXCEPTIONS: 1. In passenger vessels not required to provide an onboard accessible route between decks, an onboard accessible route shall not be required to a mezzanine dining area where the mezzanine contains less than 25 percent of the total combined area for seating and dining and where the same decor and services are provided in the accessible area.

2. In alterations, an onboard accessible route shall not be required to existing raised or sunken dining areas, or to all parts of existing outdoor dining areas where the same services and decor are provided in a space required to comply with this document and not restricted to use by people with disabilities.

V206.2.4 Performance Areas. Where a circulation path directly connects a performance area to an assembly seating area, at least one onboard accessible route shall directly connect the assembly seating area with the performance area.

V206.2.5 Bowling Lanes. Where bowling lanes are provided, at least 5 percent, but no fewer than one of each type of bowling lane, shall be on an onboard accessible route.

V206.2.6 Court Sports. In court sports, at least one onboard accessible route shall directly connect both sides of the court.

V206.2.7 Exercise Machines and Equipment. Exercise machines and equipment required to comply with V230 shall be on an onboard accessible route.

V206.2.8 Miniature Golf Facilities. Holes required to comply with V231.2, including the start of play, shall be on an onboard accessible route. Accessible routes serving miniature golf facilities shall comply with V402 except as modified by V1003.2.

V206.2.9 Play Areas. Play areas shall provide onboard accessible routes in accordance with V206.2.9. Accessible routes serving play areas shall comply with V402 except as modified by V1004.2.

V206.2.9.1 Ground Level and Elevated Play Components. At least one onboard accessible route shall be provided within the play area. The onboard accessible route shall connect ground level play components required to comply with V232.2.1 and elevated play components required to comply with V232.2.2, including entry and exit points of the play components.

V206.2.9.2 Soft Contained Play Structures. Where three or fewer entry points are provided for soft contained play structures, at least one entry point shall be on an onboard accessible route. Where four or more entry points are provided for soft contained play structures, at least two entry points shall be on an onboard accessible route.

V206.3 Location. Onboard accessible routes shall coincide with or be located in the same area as general passenger circulation paths. Where any two interior spaces which are required to comply with this document are connected by an interior general passenger circulation path, the onboard accessible route connecting the same two spaces shall also be interior. An onboard accessible route connecting any two spaces required to comply with this document shall not be more than 300 feet (91 m) longer than the shortest general passenger circulation path connecting the same two spaces.

EXCEPTION: Where the largest deck is less than 3,000 square feet (279 m^2), V206.3 shall not apply.

V206.4 Entry and Departure Points. Each entry and departure point used by passengers shall be on an onboard accessible route.

EXCEPTION: Only one tender boarding platform on the port and starboard side of the vessel shall be required to be on an onboard accessible route.

V206.5 Doors, Doorways, and Gates. Doors, doorways, and gates providing user passage shall be provided in accordance with V206.5.

V206.5.1 Deck Entry and Departure. Where doors, doorways, or gates are provided at entry and departure points required to comply with V206.4, at least one door, doorway, or gate shall comply with V404.

V206.5.2 Rooms and Spaces. Within a passenger vessel, at least one door, doorway, or gate serving each room or space complying with these requirements shall comply with V404.

V206.6 Elevators. Elevators provided for passengers shall comply with V407. Where multiple elevators are provided, each elevator shall comply with V407.

EXCEPTIONS: 1. In passenger vessels less than 10,000 gross tonnage calculated in accordance with the International Convention on Tonnage Measurement of Ships, elevators complying with V408 shall be permitted.

2. In passenger vessels permitted to use the exceptions to V206.2.1 or permitted by V206.7 to use a platform lift, elevators complying with V408 shall be permitted.

V206.6.1 Existing Elevators. Where elements of existing elevators are altered, the same element shall also be altered in all elevators that are programmed to respond to the same hall call control as the altered elevator and shall comply with the requirements of V407 or V408 for the altered element.

V206.7 Platform Lifts. Platform lifts shall comply with V409. Platform lifts shall be permitted as a component of an onboard accessible route in accordance with V206.7.

EXCEPTION: In alterations, platform lifts shall be permitted as a component of any onboard accessible route.

V206.7.1 Decks Less Than 3,000 Square Feet. Platform lifts shall be permitted to provide an onboard accessible route to decks that are less than 3,000 square feet (279 m^2).

V206.7.2 Vertical Clearance Constraints. Platform lifts shall be permitted where the vertical clearance constraints of a route where a passenger vessel operates makes the use of an elevator infeasible.

V206.7.3 Wheelchair Spaces. Platform lifts shall be permitted to provide an onboard accessible route to comply with the wheelchair space dispersion and line-of-sight requirements of V221 and V802.

V206.7.4 Performance Areas and Speakers' Platforms. Platform lifts shall be permitted to provide onboard accessible routes to performance areas and speakers' platforms.

V206.7.5 Passenger Guest Rooms. Platform lifts shall be permitted to connect levels within guest rooms required to provide mobility features complying with V806.2.

V206.7.6 Tender Platforms. Platform lifts shall be permitted to provide an onboard accessible route to tender boarding platforms.

EXCEPTION: Where platform lifts serving tender boarding platforms are exposed to waves and the tender boarding platforms are

less than 300 square feet (28 m^2), manually powered boarding lifts complying with V411 shall be permitted.

V206.7.7 Play Areas. Platform lifts shall be permitted to provide onboard accessible routes to play components or soft contained play structures.

V206.8 Security Barriers. Security barriers, including but not limited to, security bollards and security check points shall not obstruct a required onboard accessible route or accessible means of escape.

EXCEPTION: Where security barriers incorporate elements that cannot comply with these requirements such as certain metal detectors, fluoroscopes, or other similar devices, the onboard accessible route shall be permitted to be located adjacent to the security barriers. The onboard accessible route shall permit persons with disabilities passing around security barriers to maintain visual contact with their personal items to the same extent provided others passing through the security barrier.

V207 Accessible Means of Escape

V207.1 General. Where the administrative authority requires a passenger vessel to have a means of escape, an accessible means of escape shall be provided and shall provide a substantially equivalent level of protection from hazards as is required by the administrative authority for the means of escape.

EXCEPTIONS: 1. Where a required means of escape is permitted by the administrative authority to include a ladder, window, hatch, or deck scuttle, the corresponding accessible means of escape shall not be required.

2. In alterations, accessible means of escape shall not be required.

V208 Passenger Vessel Boarding Systems

V208.1 General. Where required by U.S. Department of Transportation or the U.S. Department of Justice, at least one accessible passenger boarding system complying with V402.2 shall connect an entry deck to fixed piers, floating piers, or landside structures.

V209 [Reserved]

V210 Rinsing Showers

V210.1 General. Where provided, rinsing showers shall comply with V608.

EXCEPTION: Where rinsing showers are clustered at a single location, at least one of the rinsing showers shall be required to comply with V608.

V211 Drinking Fountains

V211.1 General. Where provided on a deck, drinking fountains shall be provided in accordance with V211.

V211.1.1 Entry Deck Location. Where passenger drinking fountains are provided on decks not connected by an onboard accessible route to an entry deck as permitted by the exceptions in V206.2.1, passenger drinking fountains complying with V211.2 shall be provided on an entry deck or on a deck connected to an entry deck by an onboard accessible route.

V211.2 Minimum Number. No fewer than two drinking fountains shall be provided. One drinking fountain shall comply with V602.1 through V602.6 and one drinking fountain shall comply with V602.7.

EXCEPTION: Where a single drinking fountain complies with V602.1 through V602.6 and V602.7 it shall be permitted in place of two separate drinking fountains.

V211.3 More Than Two. Where more than two drinking fountains are provided, 50 percent of the total number of drinking fountains provided shall comply with V602.1 through V602.6 and 50 percent of the total number of drinking fountains provided shall comply with V602.7.

EXCEPTION: Where 50 percent of the drinking fountains yields a fraction, 50 percent shall be permitted to be rounded up or down if the total number of drinking fountains complying with V211 equals 100 percent of drinking fountains.

V212 Galleys, Pantries, and Sinks

V212.1 General. Where provided, galleys, pantries, and sinks shall comply with V212.

V212.2 Galleys and Pantries. Galleys and pantries shall comply with V804.

V212.3 Sinks. Where sinks are provided, at least 5 percent, but not fewer than one, of each type provided in each room or space required to comply with this document shall comply with V606.

EXCEPTION: Mop or service sinks shall not be required to comply with V212.3.

V213 Toilet Facilities and Bathing Facilities

V213.1 General. Where passenger toilet facilities and passenger bathing facilities are provided, they shall comply with V213.

V213.1.1 Entry Deck Location. Where passenger toilet rooms are provided on decks not connected by an onboard accessible route to an entry deck as permitted by the exceptions in V206.2.1, at least one passenger toilet room for each sex, or one unisex toilet room, complying with V603 shall be provided on an entry deck or on a deck connected to an entry deck by an onboard accessible route.

V213.2 Toilet Rooms and Bathing Rooms. Where toilet rooms are provided, each toilet room shall comply with V603. Where bathing rooms are provided, each bathing room shall comply with V603.

EXCEPTIONS: 1. In alterations, where it is technically infeasible to comply with V603, the existing toilet rooms or bathing rooms shall comply to the maximum extent feasible in accordance with V202.3 exception 2, or provide a single unisex toilet room or bathing room complying with V603 that is located in the same area and on the same deck as existing inaccessible toilet or bathing rooms.

2. Where exceptions for alterations to qualified historic passenger vessels are permitted by V202.4, no fewer than one toilet room for each sex or one unisex toilet room complying with V603 shall be provided.

3. Where multiple single user portable toilet or bathing units are clustered at a single location, at least 5 percent of the toilet units and bathing units at each cluster shall be required to comply with V603. Portable toilet units and bathing units complying with V603 shall be identified by the International Symbol of Accessibility complying with V703.7.2.1.

4. Where multiple single user toilet rooms are clustered at a single location, at least 50 percent of the single user toilet rooms for each use at each cluster shall be required to comply with V603.

5. On high-speed passenger vessels that do not transport overnight passengers, where multiple single user toilet rooms are clustered at a single location, at least 5 percent of the single user toilet rooms for each use at each cluster shall be required to comply with V603.

V213.2.1 Unisex (Single-Use or Family) Toilet and Unisex Bathing Rooms. Unisex toilet rooms shall contain one lavatory and either one water closet or one water closet and one urinal. Unisex bathing rooms shall contain one lavatory, one water closet and either one shower or one shower and one bathtub. Doors to unisex toilet rooms and unisex bathing rooms shall have privacy latches.

V213.3 Plumbing Fixtures and Accessories. Plumbing fixtures and accessories provided in a toilet room or bathing room required to comply with V213.2 shall comply with V213.3.

V213.3.1 Toilet Compartments (Stalls). Where toilet compartments are provided, at least one toilet compartment shall comply with V604.8.1. In addition to the compartment required to comply with V604.8.1, at least one compartment shall comply with V604.8.2 where six or more toilet compartments are provided, or where the combination of urinals and water closets totals six or more fixtures.

V213.3.2 Water Closets. Where water closets are provided, at least one shall comply with V604.

V213.3.3 Urinals. Where more than one urinal is provided, at least one shall comply with V605.

V213.3.4 Lavatories. Where lavatories are provided, at least one shall comply with V606 and shall not be located in a toilet compartment.

V213.3.5 Mirrors. Where mirrors are provided, at least one shall comply with V603.3.

V213.3.6 Bathing Facilities. Where bathtubs or showers are provided, at least one bathtub complying with V607 or at least one shower complying with V608 shall be provided.

V213.3.7 Coat Hooks and Shelves. Where coat hooks or shelves are provided in toilet rooms without toilet compartments, at least one of each type shall comply with V603.4. Where coat hooks or shelves are provided in toilet compartments, at least one of each type complying with V604.8.3 shall be provided in toilet compartments required to comply with V213.3.1. Where coat hooks or shelves are provided in bathing facilities, at least one of each type complying with V603.4 shall serve fixtures required to comply with V213.3.6.

V214 Washing Machines and Clothes Dryers

V214.1 General. Where provided, washing machines and clothes dryers shall comply with V214.

V214.2 Washing Machines. Where three or fewer washing machines are provided, at least one shall comply with V611. Where

more than three washing machines are provided, at least two shall comply with V611.

V214.3 Clothes Dryers. Where three or fewer clothes dryers are provided, at least one shall comply with V611. Where more than three clothes dryers are provided, at least two shall comply with V611.

V215 General Emergency Alarm

V215.1 General. Where a general alarm system is provided to notify passengers in public areas of emergencies, the alarm system shall provide notification appliances in public areas in accordance with V702.

EXCEPTIONS: 1. Elevators, enclosed platform lifts, enclosed stairways, and areas only open to passengers in emergencies shall not be required to comply with V215.

2. In alterations, compliance with V215 shall not be required except where an existing alarm system is upgraded or replaced, or a new alarm system is installed.

V216 Signs

V216.1 General. Signs shall be provided in accordance with V216 and shall comply with V703.

EXCEPTIONS: 1. Vessel directories, menus, seat and row designations in assembly areas, occupant names, vessel names, and company names and logos shall not be required to comply with V216.

2. In parking facilities, signs shall not be required to comply with V216.2, V216.3, and V216.6 through V216.9.

3. Temporary, 7 days or less, signs shall not be required to comply with V216.

V216.2 Designations. Interior and exterior signs identifying permanent rooms and spaces shall comply with V703.1, V703.2, and V703.5. Where pictograms are provided as designations of permanent interior rooms and spaces, the pictograms shall comply with V703.6 and shall have text descriptors complying with V703.2 and V703.5.

EXCEPTION: Exterior signs that are not located at the door to the space they serve shall not be required to comply with V703.2.

V216.3 Directional and Informational Signs. Signs that provide direction to or information about spaces and facilities of the passenger vessel shall comply with V703.5.

V216.4 Means of Escape Signs. Signs for means of escape shall comply with V216.4.

V216.4.1 Exit Doors. Exit doors identified with illuminated exit signs shall be identified by tactile signs complying with V703.1, V703.2, and V703.5.

V216.4.2 Directional Signs. At exit doors, platform lifts, and elevators that are not part of an accessible means of escape, signs complying with V703.5 shall be provided indicating the location of the accessible means of escape.

EXCEPTION: Where platform lifts and elevators are directly accessed from protected stairway landings, V216.4.2 shall not apply.

V216.5 Exterior Doors. Where not all exterior public doors comply with V404, public doors complying with V404 shall be identified by the International Symbol of Accessibility complying with V703.7.2.1. Directional signs complying with V703.5 that indicate the location of the nearest public door complying with V404 shall be provided at exterior public doors that do not comply with V404.

V216.6 Elevators. In alterations, where existing elevators do not comply with V407 or V408, elevators complying with V407 or V408 shall be identified with the International Symbol of Accessibility complying with V703.7.2.1.

V216.7 Toilet Rooms and Bathing Rooms. Signs for toilet rooms and bathing rooms shall be provided in accordance with V216.7.

V216.7.1 Alterations. In alterations, where existing toilet rooms or bathing rooms do not comply with V603, directional signs complying with V703.5 shall be provided to indicate the location of the nearest toilet room or bathing room complying with V603 within the facility. In addition, the toilet rooms or bathing rooms complying with V603 shall be identified by the International Symbol of Accessibility complying with V703.7.2.1. Directional signs shall include the International Symbol of Accessibility complying with V703.7.2.1.

V216.7.2 Clustered Single User Toilet Facilities or Bathing Facilities. Where clustered single user toilet facilities or bathing facilities are permitted to use V213.2 Exceptions 3 through 5, toilet facilities or bathing facilities complying with V603 shall be identified by the International Symbol of Accessibility complying with V703.7.2.1 unless all toilet facilities and bathing facilities comply with V603.

V216.8 TTYs. Identification and directional signs for public TTYs shall be provided in accordance with V216.8.

V216.8.1 Identification Signs. Public TTYs shall be identified by the International Symbol of TTY complying with V703.7.2.2.

V216.8.2 Directional Signs. Directional signs indicating the location of the nearest public TTY shall be provided at public telephones not containing a public TTY. In addition, where signs provide direction to public telephones, they shall also provide direction to public TTYs required by V217. Directional signs shall comply with V703.5 and shall include the International Symbol of TTY complying with V703.7.2.2.

V216.9 Wheelchair Accessible Telephones. Where signs provide direction to public telephones, they shall also provide direction to public wheelchair accessible telephones required by V217, unless all public telephone locations have wheelchair accessible telephones. Directional signs shall comply with V703.5.

V216.10 Assistive Listening Systems. Each assembly area and transportation seating area required by V219 to provide assistive listening systems shall provide signs informing passengers of the availability of the assistive listening system and type of transmitter and receiver used. Assistive listening signs shall comply with V703.5 and shall include the International Symbol of Access for Hearing Loss complying with V703.7.2.3.

EXCEPTION: Where passenger vessels have a central passenger service station to distribute receivers for assistive listening systems and other effective methods besides signage are used to notify passengers of the availability, location, and type of assistive listening systems provided, V216.10 shall not apply.

V216.11 Check-Out Aisles. Where more than one check-out aisle is provided, check-out aisles complying with V904.3 shall be identified by the International Symbol of Accessibility complying with V703.7.2.1. Where check-out aisles are identified by numbers, letters, or functions, signs identifying check-out aisles complying with V904.3 shall be located in the same location as the check-out aisle identification.

EXCEPTION: Where all check-out aisles serving a single function comply with V904.3, V703.7.2.1 shall not apply.

V217 Telephones

V217.1 General. Where public telephones are provided, public telephones shall be provided in accordance with V217 for each type of public telephone provided.

V217.2 Minimum Number. Where a public telephone is provided on a deck, at least one shall be a wheelchair accessible public telephone complying with V704.2 and at least one shall be a public TTY complying with V704.4.

V217.3 Volume Controls. All public telephones shall have volume controls complying with V704.3.

V217.4 Hearing Aid Compatibility. All public telephones shall be hearing aid compatible.

V218 Two-Way Communication Systems

V218.1 General. Where a two-way communication system is provided to gain admittance to a passenger vessel or to restricted areas open to passengers within a passenger vessel, the system shall comply with V705.

V219 Assistive Listening Systems

V219.1 General. Assistive listening systems shall be provided in accordance with V219.

V219.2 Required Systems. Passenger areas shall provide assistive listening systems complying with V706 in accordance with V219.2.

V219.2.1 Assembly and Transportation Seating Areas. Where an audio amplification system is provided in an assembly area or transportation seating area to communicate information that is integral to the use of the space, an assistive listening system shall be provided.

V219.2.2 Emergency Information. Where an audio amplification system is provided in public areas to communicate emergency information to passengers, an assistive listening system shall be provided.

EXCEPTION: Where passengers are assigned specific muster stations to go to in an emergency when the general emergency alarm is activated, V219.2.2 shall not apply.

V219.3 Receivers. Receivers complying with V706.3 shall be provided for assistive listening systems in accordance with Table V219.3. The minimum number of receivers shall be based on the total seating capacity in all the assembly areas and transportation seating areas required to comply with V219.2 that use the same type of assistive listening system. Twenty-five percent minimum of receivers provided, but no fewer than two, for each type of assistive listening system, shall be hearing-aid compatible and shall comply with V706.3.

EXCEPTIONS: 1. Where an induction loop assistive listening system is provided, the minimum number of receivers required by Table V219.3 to be hearing-aid compatible shall not be required to be provided.

2. The number of receivers shall be permitted to be based on the maximum number of passengers permitted to be carried on the passenger vessel.

TABLE V219.3—RECEIVERS FOR ASSISTIVE LISTENING SYSTEMS

Capacity of seating	Minimum number of required receivers	Minimum number of required receivers required to be hearing-aid compatible
50 or less	2	2.
51 to 200	2, plus 1 per 25 seats over 50 seats, or fraction thereof	2.
201 to 500	2, plus 1 per 25 seats over 50 seats, or fraction thereof	1 per 4 receivers, or fraction thereof.
501 to 1000	20, plus 1 per 33 seats over 500 seats, or fraction thereof	1 per 4 receivers, or fraction thereof.
1001 to 2000	35, plus 1 per 50 seats over 1000 seats, or fraction thereof	1 per 4 receivers, or fraction thereof.
2001 and over	55, plus 1 per 100 seats over 2000 seats , or fraction thereof	1 per 4 receivers, or fraction thereof.

V220 Automatic Teller Machines and Fare Machines

V220.1 General. Where automatic teller machines or self-service fare vending, collection, or adjustment machines are provided, at least one of each type provided at each location shall comply with V707. Where bins are provided for envelopes, waste paper, or other purposes, at least one of each type shall comply with V807.

V221 Assembly Areas

V221.1 General. Assembly areas shall comply with V221.

EXCEPTION: In passenger vessels that function primarily as ferries, assembly areas shall be permitted to comply with V222.

V221.2 Wheelchair Spaces. Wheelchair spaces shall be provided in assembly areas with fixed seating in accordance with V221.2.

V221.2.1 Number. The number of wheelchair spaces shall be provided in accordance with V221.2.1.

V221.2.1.1 General Seating. In general seating, wheelchair spaces complying with V802.1 shall be provided in accordance with Table V221.2.1.1 based on the number of fixed seats in each assembly area.

TABLE V221.2.1.1—NUMBER OF WHEELCHAIR SPACES

Number of seats	Minimum number of required wheelchair spaces
4 to 25	1.
26 to 50	2.
51 to 150	4.
151 to 300	5.
301 to 500	6.
501 to 5000	6, plus 1 for each 150, or fraction thereof, between 501 through 5000.
5001 and over	36, plus 1 for each 200, or fraction thereof, over 5000.

V221.2.1.2 Boxes. In boxes, wheelchair spaces complying with V802.1 shall be provided in accordance with Table V221.2.1.1 based on the total number of fixed seats provided in boxes. Wheelchair spaces shall be located in not less than 20 percent of all boxes provided.

V221.2.2 Integration. Wheelchair spaces shall be an integral part of the fixed seating plan.

V221.2.3 Dispersion and Fixed Lines of Sight. Where seats are arranged to provide lines of sight to fixed screens or performance areas, wheelchair spaces shall provide lines of sight complying with V802.2 and shall comply with V221.2.3. In providing lines of sight, wheelchair spaces shall be dispersed. Wheelchair spaces shall provide spectators with choices of seating locations and viewing angles that are substantially equivalent to, or better than, the choices of seating locations and viewing angles available to all other spectators. Where tables or counters with fixed seats are provided in assembly areas, wheelchair spaces shall be dispersed at the tables and counters. When the number of wheelchair spaces required by V221.2.1 has been met, further dispersion shall not be required.

V221.2.3.1 Horizontal Dispersion. Wheelchair spaces shall be dispersed horizontally.

EXCEPTIONS: 1. Horizontal dispersion shall not be required in assembly areas with 300 or fewer seats provided that the companion seats required by V221.3 and wheelchair spaces are located within the 2nd or 3rd quartile of the total row length. Intermediate aisles shall be included in determining the total row length. If the row length in the 2nd and 3rd quartile of a row is insufficient to accommodate the required number of companion seats and wheelchair spaces, the additional companion seats and wheelchair spaces shall be permitted to be located in the 1st and 4th quartile of the row.

2. In row seating, two wheelchair spaces shall be permitted to be located side-by-side.

V221.2.3.2 Vertical Dispersion. Wheelchair spaces shall be dispersed vertically at varying distances from the screen or performance area. In addition, wheelchair spaces shall be located in each balcony or mezzanine that is located on an onboard accessible route which connects to an entry deck.

EXCEPTIONS: 1. Vertical dispersion shall not be required in assembly areas with 300 or fewer seats provided that the wheelchair spaces provide viewing angles that are equivalent to, or better than, the average viewing angle provided in the facility.

2. In bleachers, wheelchair spaces shall not be required to be provided in rows other than rows at points of entry to bleacher seating.

V221.2.4 Dispersion and No Fixed Lines of Sight. Where seats are not arranged to provide lines of sight to fixed screens or performance areas, wheelchair spaces shall be dispersed throughout the fixed seating plans. Where tables or counters with fixed seats are provided, wheelchair spaces shall be dispersed at the tables and counters. When the number of wheelchair spaces required by V221.2.1 has been met, further dispersion shall not be required.

EXCEPTION: Two wheelchair spaces shall be permitted to be located side-by-side.

V221.3 Companion Seats. At least one companion seat complying with V802.3 shall be provided for each wheelchair space required by V221.2.1.

V221.4 Designated Aisle Seats. In assembly areas, at least 5 percent of the total number of fixed aisle seats provided shall comply with V802.4 and shall be the aisle seats located closest to onboard accessible routes.

V222 Transportation Seating Areas

V222.1 General. Transportation seating areas shall comply with V222.

V222.2 Entry Deck Location. Where transportation seating areas are provided on decks not connected by an onboard accessible route to an entry deck as permitted by the exceptions in V206.2.1, at least one transportation seating area complying with

V222 shall be provided on an entry deck or on a deck connected to an entry deck by an onboard accessible route.

V222.3 Wheelchair Spaces. The number of wheelchair spaces shall be provided in accordance with V222.3.

V222.3.1 Number. Wheelchair spaces complying with V802.1 shall be provided in accordance with Table V222.3 based on the total number of fixed seats provided in transportation seating areas of the passenger vessel.

EXCEPTION: Where more fixed seats are provided in transportation seating areas than the maximum number of passengers the vessel is permitted to carry, the number of wheelchair spaces shall be permitted to be based on the maximum number of passengers permitted to be carried.

TABLE V222.3—NUMBER OF WHEELCHAIR SPACES

Number of seats	Minimum number of required wheelchair spaces
1 to 60	1.
61 to 120	2.
121 to 180	3.
181 to 240	4.
241 to 300	5.
301 to 500	6.
501 to 5000	6, plus 1 for each 150, or fraction thereof, between 501 through 5000.
5001 and over	36, plus 1 for each 200, or fraction thereof, over 5000.

V222.3.2 Integration. Wheelchair spaces shall be an integral part of the fixed seating plans.

V222.3.3 Dispersion. Wheelchair spaces shall be dispersed throughout the fixed seating plans of the transportation seating areas located on an entry deck or connected by an accessible route to an entry deck. Where tables or counters with fixed seats are provided in transportation seating areas located on an entry deck or connected by an accessible route to an entry deck, wheelchair spaces shall be dispersed at the tables and counters. When the number of wheelchair spaces required by V222.3.1 has been met, further dispersion shall not be required.

EXCEPTION: Two wheelchair spaces shall be permitted to be located side-by-side.

V223 Medical Care Facilities

V223.1 General. Where patient sleeping rooms are provided in medical care facilities, at least 10 percent, but no fewer than one, of the patient sleeping rooms shall provide mobility features complying with V805.

EXCEPTION: Toilet rooms that are part of critical or intensive care patient sleeping rooms shall not be required to comply with V603.

V223.1.1 Alterations. Where sleeping rooms are altered or added, the requirements of V223 shall apply only to the sleeping rooms being altered or added until the number of sleeping rooms complies with the minimum number required for new construction.

V224 Passenger Guest Rooms

V224.1 General. Where passenger guest rooms are provided, guest rooms shall comply with V224.

V224.1.1 Alterations. Where guest rooms are altered or added, the requirements of V224 shall apply only to the guest rooms being altered or added until the number of guest rooms complies with the minimum number required for new construction.

V224.2 Guest Rooms with Mobility Features. Guest rooms with mobility features complying with V806.2 shall be provided in accordance with Table V224.2.

EXCEPTION: In passenger vessels with fewer than 121 guest rooms, the total number of guest rooms required to provide mobility features in compliance with V806.2 shall be permitted to be 5 percent provided that the number of rooms with roll-in showers specified in Table V224.2 is provided.

TABLE V224.2—GUEST ROOMS WITH MOBILITY FEATURES

Total number of guest rooms provided	Minimum required number of rooms with tubs or showers	Minimum number of required rooms with roll-in showers	Total number of required rooms
1 to 25	1	0	1.
26 to 50	2	0	2.
51 to 75	3	1	4.
76 to 100	4	1	5.
101 to 150	5	2	7.
151 to 200	6	2	8.
201 to 300	7	3	10.
301 to 400	8	4	12.
401 to 500	9	4	13.
501 to 1000	2 percent of total	1 percent of total	3 percent of total.
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000.	10, plus 1 for each 100, or fraction thereof, over 1000.	30, plus 2 for each 100, or fraction thereof, over 1000.

V224.3 Beds. In guest rooms having more than 25 beds, 5 percent minimum of the beds shall have clear deck space complying with V806.2.3.

V224.4 Communication Features. Guest rooms with communication features complying with V806.3 shall be provided in accordance with Table V224.4.

TABLE V224.4—GUEST ROOMS WITH COMMUNICATION FEATURES

Total number of guest rooms provided	Minimum number of required guest rooms with communication features
2 to 25	2.
26 to 50	4.
51 to 75	7.
76 to 100	9.

TABLE V224.4—GUEST ROOMS WITH COMMUNICATION FEATURES—Continued

Total number of guest rooms provided	Minimum number of required guest rooms with communication features
101 to 150	12.
151 to 200	14.

TABLE V224.4—GUEST ROOMS WITH COMMUNICATION FEATURES—Continued

Total number of guest rooms provided	Minimum number of required guest rooms with communication features
201 to 300	17.
301 to 400	20.
401 to 500	22.
501 to 1000	5 percent of total.
1001 and over	50, plus 3 for each 100 over 1000.

V224.5 Dispersion. Guest rooms required to provide mobility features complying with V806.2 and guest rooms required to provide communication features complying with V806.3 shall be dispersed among the various classes of guest rooms, and shall provide choices of types of guest rooms, number of beds, and other amenities comparable to the choices provided to other guests. Where the minimum number of guest rooms required to comply with V806 is not sufficient to allow for complete dispersion, guest rooms shall be dispersed in the following priority: guest room type, number of beds, and amenities. At least one guest room required to provide mobility features complying with V806.2 shall also provide communication features complying with V806.3. One guest room or not more than 10 percent of guest rooms required to provide mobility features complying with V806.2 shall be used to satisfy the minimum number of guest rooms required to provide communication features complying with V806.3.

V224.6 Location. Guest rooms required to provide mobility features complying with V806.2 shall be provided on an entry deck or on a deck connected to an entry deck by an onboard accessible route.

V225 Storage

V225.1 General. Storage facilities shall comply with V225.

V225.2 Storage. Where storage is provided in spaces required to comply with this document, at least one of each type shall comply with V807.

V225.3 Self-Service Shelving. Self-service shelves at other than food service lines shall be located on an onboard accessible route complying with V402. Self-service shelving shall not be required to comply with V308.

V226 Tables and Counters

V226.1 General. Where tables or counters are provided for passenger use in areas other than assembly areas and transportation seating areas, at least 5 percent of the seating or standing spaces at the tables and counters shall comply with V902.

EXCEPTIONS: 1. Sales and service counters shall not be required to comply with V902.

2. Check writing surfaces provided at check-out aisles that are not required to comply with V904.3 shall not be required to comply with V902.

V226.2 Dispersion. Tables and counters required to comply with V902 shall be dispersed throughout the area where the tables and counters are provided.

V227 Sales and Service

V227.1 General. Where provided, check-out aisles, sales counters, service counters, food service lines, queues, and waiting lines shall comply with V227 and V904.

V227.2 Check-Out Aisles. Where check-out aisles are provided, check-out aisles complying with V904.3 shall be provided in accordance with Table V227.2. Where check-out aisles serve different functions, check-out aisles complying with V904.3 shall be provided in accordance with Table V227.2 for each function. Where check-out aisles are dispersed throughout the passenger vessel or facility, check-out aisles complying with V904.3 shall be dispersed.

EXCEPTION: Where the selling space is under 5,000 square feet (465 m^2) no more than one check-out aisle complying with V904.3 shall be required.

TABLE V227.2—ACCESSIBLE CHECK-OUT AISLES

Number of check-out aisles of each function	Minimum number of check-out aisles of each function required to comply with V904.3
1 to 4	1.
5 to 8	2.
9 to 15	3.
16 and over	3, plus 20 percent of additional aisles.

V227.2.1 Altered Check-Out Aisles. Where check-out aisles are altered, at least one of each check-out aisle serving each function shall comply with V904.3 until the number of check-out aisles complies with V227.2.

V227.3 Counters. Where provided in a space, at least one of each type of sales counter and service counter shall comply with V904.4.

EXCEPTION: Where the largest deck is less than 3,000 square feet (279 m^2) and the employee side of the counter is 80 inches (2030 mm) or less in linear length, the counter shall not be required to comply with V227.3.

V227.4 Food Service Lines. Food service lines shall comply with V904.5. Where self-service shelves are provided, at least 50 percent, but no fewer than one, of each type provided shall comply with V308.

V227.5 Queues and Waiting Lines. Queues and waiting lines servicing counters or check-out aisles required to comply with V904.3 or V904.4 shall comply with V403.

V228 Depositories, Vending Machines, Change Machines, and Mail Boxes

V228.1 General. Where provided, at least one of each type of depository, vending machine, and change machine shall comply with V309.

V228.2 Mail Boxes. Where mail boxes are provided in an interior location, at least 5 percent, but no fewer than one, of each type shall comply with V309.

V229 Dressing, Fitting, and Locker Rooms

V229.1 General. Where dressing rooms, fitting rooms, or locker rooms are provided, at least 5 percent, but no fewer than one, of each type of use in each cluster provided shall comply with V803.

EXCEPTION: In alterations, where it is technically infeasible to provide rooms in accordance with V229.1, one room for each sex on each level shall comply with V803. Where only unisex rooms are provided, unisex rooms shall be permitted.

V229.2 Coat Hooks and Shelves. Where coat hooks or shelves are provided in dressing, fitting or locker rooms without individual compartments, at least one of each type shall comply with V803.5. Where coat hooks or shelves are provided in individual compartments at least one of each type complying with V803.5 shall be provided in individual compartments in dressing, fitting, or locker rooms required to comply with V229.1.

V230 Exercise Machines and Equipment

V230.1 General. At least one of each type of exercise machine and equipment shall comply with V1002.

V231 Miniature Golf Facilities

V231.1 General. Miniature golf facilities shall comply with V231.

V231.2 Minimum Number. At least 50 percent of holes on miniature golf courses shall comply with V1003.3.

V231.3 Miniature Golf Course Configuration. Miniature golf courses shall be configured so that the holes complying with V1003.3 are consecutive. Miniature golf courses shall provide an onboard accessible route from the last hole complying with V1003.3 to the course entrance or exit without requiring travel through any other holes on the course.

EXCEPTION: One break in the sequence of consecutive holes shall be permitted if the last hole on the miniature golf course is the last hole in the sequence.

V232 Play Areas

V232.1 General. Play areas for children ages 2 and over shall comply with V232. Where separate play areas are provided for

specific age groups, each play area shall comply with V232.

EXCEPTIONS: 1. In existing play areas, where play components are relocated for the purposes of creating safe use zones and the ground surface is not altered or extended for more than one use zone, the play area shall not be required to comply with V232.

2. Where play components are altered and the ground surface is not altered, the ground surface shall not be required to comply with V1004.2.6.

V232.2 Play Components. Where provided, play components shall comply with V232.2 and V1004.

V232.2.1 Ground Level Play Components. Ground level play components shall be provided in the number and types required by V232.2.1. Ground level play components that are provided to comply with V232.2.1.1 shall be permitted to satisfy the additional number required by V232.2.1.2 if the minimum required types of play components are satisfied. Where two or more required ground level play components are provided, they shall be dispersed throughout the play area and integrated with other play components.

V232.2.1.1 Minimum Number and Types. Where ground level play components are provided, at least one of each type shall be on an onboard accessible route and shall comply with V1004.4.

V232.2.1.2 Additional Number and Types. Where elevated play components are provided, ground level play components shall be provided in accordance with Table V232.2.1.2 and shall comply with V1004.4.

EXCEPTION: If at least 50 percent of the elevated play components are connected by a ramp and at least 3 of the elevated play components connected by the ramp are different types of play components, the play area shall not be required to comply with V232.2.1.2.

TABLE V232.2.1.2—NUMBER AND TYPES OF GROUND LEVEL PLAY COMPONENTS REQUIRED TO BE ON AN ONBOARD ACCESSIBLE ROUTE

Number of elevated play components provided	Minimum number of ground level play components required to be on an onboard accessible route	Minimum number of different types of ground level play components required to be on an onboard accessible route
1	Not applicable	Not applicable
2 to 4	1	1
5 to 7	2	2
8 to 10	3	3
11 to 13	4	3
14 to 16	5	3
17 to 19	6	3
20 to 22	7	4
23 to 25	8	4
26 and over	8, plus 1 for each additional 3, or fraction thereof, over 25	5

V232.2.2 Elevated Play Components. Where elevated play components are provided, at least 50 percent shall be on an onboard accessible route and shall comply with V1004.4.

V233 Saunas and Steam Rooms

V233.1 General. Where provided, saunas and steam rooms shall comply with V612.

EXCEPTION: Where saunas or steam rooms are clustered at a single location, no more than 5 percent of the saunas and steam rooms, but no fewer than one, of each type in each cluster shall be required to comply with V612.

V234 Swimming Pools, Wading Pools, and Spas

V234.1 General. Swimming pools, wading pools, and spas shall comply with V234.

V234.2 Swimming Pools. At least one swimming pool lift complying with V1005.2 shall be provided for each swimming pool.

EXCEPTIONS: 1. Catch pools shall not be required to comply with V234.2 if the catch pool edge is on an onboard accessible route.

2. Where swimming pools are provided in a cluster and at least one of each type of pool in the cluster has a swimming pool lift complying with V1005.2, the other pools in the cluster shall be permitted to provide transfer walls complying with V1005.4; transfer systems complying with V1005.5; or pool stairs complying with V1005.6.

V234.3 Wading Pools. At least one accessible means of entry shall be provided for wading pools. Accessible means of entry shall comply with sloped entries complying with V1005.3 or transfer systems complying with V1005.5.

V234.4 Spas. At least one accessible means of entry shall be provided for spas. Accessible means of entry shall comply with swimming pool lifts complying with V1005.2; transfer walls complying with V1005.4; or transfer systems complying with V1005.5.

EXCEPTION: Where spas are provided in a cluster, no more than 5 percent, but no fewer than one, spa in each cluster shall be required to comply with V234.4.

V235 Shooting Facilities

V235.1 General. Where shooting facilities with firing positions are designed and constructed, at least 5 percent, but no fewer than one, of each type of firing position shall comply with V1006.

V236 Gaming and Arcade Machines

V236.1 General. Where gaming and arcade machines are provided, at least 5 percent, but no fewer than one, of each type shall comply with V309.

V237 Binoculars

V237.1 General. Where post-mounted binoculars are provided, at least 5 percent, but no fewer than one, of each type shall comply with V309.

CHAPTER V 3: BUILDING BLOCKS

301 General

V301.1 Scope. The provisions of Chapter 3 shall apply where required by Chapter 2 or where referenced by a requirement in this document.

V302 Deck Surfaces

V302.1 General. Deck surfaces shall be stable, firm, and slip resistant and shall comply with V302.

EXCEPTIONS: Areas of sport activity shall not be required to comply with V302.

V302.2 Carpet. Carpet or carpet tile shall be securely attached and shall have a firm cushion, or backing or no cushion. Carpet or carpet tile shall have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. Pile height shall be ½ inch (13 mm) maximum. Exposed edges of carpet shall be fastened to deck surfaces and shall have trim on the entire length of the exposed edge. Carpet edge trim shall comply with V303.

V302.3 Openings. Openings in deck surfaces shall not allow passage of a sphere more than ½ inch (13 mm) in diameter except as allowed in V407.4.3 and V409.4. Elongated openings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

EXCEPTIONS: 1. Vehicle tie-downs that are flush with the deck surface and are not located within an onboard accessible route shall not be required to comply with V302.3.

2. Where the administrative authority determines that larger openings are needed for deck drainage, openings not located within an accessible route shall be permitted to be increased, if the size shall not allow passage of a sphere more than ¾ inch (19 mm) in diameter.

V303 Changes in Level

V303.1 General. Where changes in level are permitted in deck surfaces, they shall comply with V303.

EXCEPTIONS: 1. Areas of sport activity shall not be required to comply with V303.

2. Vehicle tie-downs that are flush with the deck surface and are not located within an accessible route shall not be required to comply with V303.

V303.2 Vertical. Changes in level of ¼ inch (6.4 mm) high maximum shall be permitted to be vertical.

V303.3 Beveled. Changes in level between ¼ inch (6.4 mm) high minimum and ½ inch (13 mm) high maximum shall be beveled with a slope not steeper than 1:2.

V303.4 Ramps. Changes in level greater than ½ inch (13 mm) high shall be ramped, and shall comply with V405 or V406.

V304 Turning Space

V304.1 General. Turning space shall comply with V304.

V304.2 Deck Surfaces. Deck surfaces of a turning space shall comply with V302. Changes in level are not permitted.

EXCEPTION: Slopes not steeper than 1:48 shall be permitted.

V304.3 Size. Turning space shall comply with V304.3.1 or V304.3.2.

V304.3.1 Circular Space. The turning space shall be a space of 60 inches (1525 mm) diameter minimum. The space shall be permitted to include knee and toe clearance complying with V306.

V304.3.2 T-Shaped Space. The turning space shall be a T-shaped space within a 60 inch (1525 mm) square minimum with arms and base 36 inches (915 mm) wide minimum. Each arm of the T shall be clear of obstructions 12 inches (305 mm) minimum in each direction and the base shall be clear of obstructions 24 inches (610 mm) minimum. The space shall be permitted to include knee and toe clearance complying with V306 only at the end of either the base or one arm.

V304.4 Door Swing. Doors shall be permitted to swing into turning spaces.

V305 Clear Deck Space

V305.1 General. Clear deck space shall comply with V305.

V305.2 Deck Surfaces. Deck surfaces of a clear deck space shall comply with V302. Changes in level are not permitted.

EXCEPTION: Slopes not steeper than 1:48 shall be permitted.

V305.3 Size. The clear deck space shall be 30 inches (760 mm) minimum by 48 inches (1220 mm) minimum.

V305.4 Knee and Toe Clearance. Unless otherwise specified, clear deck space shall be permitted to include knee and toe clearance complying with V306.

V305.5 Position. Unless otherwise specified, clear deck space shall be positioned for either forward or parallel approach to an element.

V305.6 Approach. One full unobstructed side of the clear deck space shall adjoin an accessible route or adjoin another clear deck space.

V305.7 Maneuvering Clearance. Where a clear deck space is confined on all or part of three sides, additional maneuvering clearance shall be provided in accordance with V305.7.

V305.7.1 Forward Approach. Where the clear deck space is approached at the short side, the space shall be 36 inches (915 mm) wide minimum where the depth of the confined clear deck space exceeds 24 inches (610 mm).

V305.7.2 Parallel Approach. Where the clear deck space is approached at the long side, the space shall be 60 inches (1525 mm) wide minimum where the depth of the confined clear deck space exceeds 15 inches (380 mm).

V306 Knee and Toe Clearance

V306.1 General. Where space beneath an element is included as part of clear deck space or turning space, the space shall comply with V306. Additional space shall not be prohibited beneath an element but shall not be considered as part of the clear deck space or turning space.

V306.2 Toe Clearance.

V306.2.1 General. Space under an element between the finish deck surface and 9 inches (230 mm) above the finish deck surface shall be considered toe clearance and shall comply with V306.2.

V306.2.2 Maximum Depth. Toe clearance shall extend 25 inches (635 mm) maximum under an element.

V306.2.3 Minimum Required Depth. Where toe clearance is required at an element as part of a clear deck space, the toe clearance shall extend 17 inches (430 mm) minimum under the element.

V306.2.4 Additional Clearance. Space extending greater than 6 inches (150 mm) beyond the available knee clearance at 9 inches (230 mm) above the finish deck surface shall not be considered toe clearance.

V306.2.5 Width. Toe clearance shall be 30 inches (760 mm) wide minimum.

V306.3 Knee Clearance.

V306.3.1 General. Space under an element between 9 inches (230 mm) and 27 inches (685 mm) above the finish deck surface shall be considered knee clearance and shall comply with V306.3.

V306.3.2 Maximum Depth. Knee clearance shall extend 25 inches (635 mm) maximum under an element at 9 inches (230 mm) above the finish deck surface.

V306.3.3 Minimum Required Depth. Where knee clearance is required under an element as part of a clear deck space, the knee clearance shall be 11 inches (280 mm) deep minimum at 9 inches (230 mm) above the finish deck surface, and 8 inches (205 mm) deep minimum at 27 inches (685 mm) above the finish deck surface.

V306.3.4 Clearance Reduction. Between 9 inches (230 mm) and 27 inches (685 mm) above the finish deck surface, the knee clearance shall be permitted to reduce at a rate of 1 inch (25 mm) in depth for each 6 inches (150 mm) in height.

V306.3.5 Width. Knee clearance shall be 30 inches (760 mm) wide minimum.

V307 Protruding Objects

V307.1 General. Protruding objects shall comply with V307.

V307.2 Protrusion Limits. Objects with leading edges more than 27 inches (685 mm) and not more than 80 inches (2030 mm) above the finish deck surface shall protrude 4 inches (100 mm) maximum horizontally into the circulation path.

EXCEPTION: Handrails shall be permitted to protrude 4½ inches (115 mm) maximum.

V307.3 Required Clear Width. Protruding objects shall not reduce the clear width required for onboard accessible routes.

V307.4 Vertical Clearance. Vertical clearance shall be 80 inches (2030 mm) high minimum. Guardrails or other barriers shall be provided where the vertical clearance is less than 80 inches (2030 mm) high. The leading edge of such guardrail or barrier shall be located 27 inches (685 mm) maximum above the finish deck surface.

EXCEPTIONS: 1. Door closers and door stops shall be permitted to be 78 inches (1980 mm) minimum above the finish deck surface.

2. Where doors are required by the administrative authority to have coamings, measurements shall be permitted to be taken from the finish deck surface adjacent to the coamings and not the top of the coamings.

V308 Reach Ranges

V308.1 General. Reach ranges shall comply with V308.

V308.2 Forward Reach.

V308.2.1 Unobstructed. Where a forward reach is unobstructed, the high forward reach shall be 48 inches (1220 mm) maximum and the low forward reach shall be 15 inches (380 mm) minimum above the finish deck surface.

V308.2.2 Obstructed High Reach. Where a high forward reach is over an obstruction, the clear deck space shall extend beneath the element for a distance not less than the required reach depth over the obstruction. The high forward reach shall be 48 inches (1220 mm) maximum where the reach depth is 20 inches (510 mm) maximum. Where the reach depth exceeds 20 inches (510 mm), the high forward reach shall be 44 inches (1120 mm) maximum and the reach depth shall be 25 inches (635 mm) maximum.

V308.3 Side Reach.

V308.3.1 Unobstructed. Where a clear deck space allows a parallel approach to an element and the side reach is unobstructed, the high side reach shall be 48 inches (1220 mm) maximum and the low side reach shall be 15 inches (380 mm) minimum above the finish deck surface.

EXCEPTION: An obstruction shall be permitted between the clear deck space and the element where the depth of the obstruction is 10 inches (255 mm) maximum.

V308.3.2 Obstructed High Reach. Where a clear deck space allows a parallel approach to an element and the high side reach is over an obstruction, the height of the obstruction shall be 34 inches (865 mm) maximum and the depth of the obstruction shall be 24 inches (610 mm) maximum. The high side reach shall be 48 inches (1220 mm) maximum for a reach depth of 10 inches (255

mm) maximum. Where the reach depth exceeds 10 inches (255 mm), the high side reach shall be 46 inches (1170 mm) maximum for a reach depth of 24 inches (610 mm) maximum.

EXCEPTION: The top of washing machines and clothes dryers shall be permitted to be 36 inches (915 mm) maximum above the finish deck surface.

V309 Operable Parts

V309.1 General. Operable parts shall comply with V309.

V309.2 Clear Deck Space. A clear deck space complying with V305 shall be provided.

V309.3 Height. Operable parts shall be placed within one or more of the reach ranges specified in V308.

V309.4 Operation. Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds (22.2 N) maximum.

CHAPTER V 4: ONBOARD ACCESSIBLE ROUTES AND ACCESSIBLE PASSENGER BOARDING SYSTEMS

V401 General

V401.1 Scope. The provisions of Chapter 4 shall apply where required by Chapter 2 or where referenced by a requirement in this document.

V402 Components

V402.1 Accessible Routes. Onboard accessible routes shall consist of one or more of the following components:

(a) walking surfaces with a running slope not steeper than 1:20 complying with V403,

(b) doors, doorways, and gates complying with V404,

(c) ramps complying with V405,

(d) curb ramps complying with V406,

(e) elevators complying with V407,

(f) elevators, where permitted by V206.6, complying with 408, and

(g) platform lifts, where permitted by V206.7, complying with V409.

V402.2 Accessible Passenger Boarding Systems. Accessible passenger boarding systems shall consist of one or more of the following components:

(a) walking surfaces with a running slope not steeper than 1:20 complying with V403;

(b) doors and doorways complying with V404;

(c) ramps complying with V405;

(d) elevators complying with V407 or V408;

(e) platform lifts complying with V409;

(f) gangways complying with V410; and

(g) manually powered boarding lifts complying with V411.

V403 Walking Surfaces

V403.1 General. Walking surfaces with running slopes not steeper than1:20 shall comply with V403. Walking surfaces on vehicle decks shall be permitted to overlap vehicle ways.

V403.2 Deck Surface. Deck surfaces shall comply with V302.

V403.3 Slope. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48.

V403.4 Changes in Level. Changes in level shall comply with V303.

V403.5 Clearances. Walking surfaces shall provide clearances complying with V403.5.

V403.5.1 Clear Width. Except as provided in V403.5.2 and V403.5.3, the clear width of walking surfaces shall be 36 inches (915 mm) minimum.

EXCEPTIONS: 1. The clear width shall be permitted to be reduced to 32 inches (815 mm) minimum for a length of 24 inches (610 mm) maximum, if reduced width segments are separated by segments that are 48 inches (1220 mm) long minimum and 36 inches (915 mm) wide minimum.

2. Where the largest deck is less than 3,000 square feet (279 m^2), the walking surface shall be permitted to have a clear width of 32 inches (815 mm) minimum.

3. Where the largest deck is less than 3,000 square feet (279 m^2), fold-down seats complying with V309 shall be permitted to project into walking surface clearances when in the down position.

V403.5.2 Clear Width at Turn.

V403.5.2.1 Clear Width at 180 Degree Turn. Where the walking surface makes a 180 degree turn around an element which is less than 48 inches (1220 mm) wide, clear width shall be 42 inches (1065 mm) minimum approaching the turn, 48 inches (1220 mm) minimum at the turn and 42 inches (1065 mm) minimum leaving the turn.

EXCEPTION: Where the clear width at the turn is 60 inches (1525 mm) minimum,V403.5.2.1 shall not apply.

V403.5.2.2 Clear Width at 90 Degree Turn. Where the walking surface is less than 36 inches (915 mm) wide and makes a 90 degree turn, an L-shaped space shall be provided with one stroke 90 inches (2285 mm) minimum in length having a width of 32 inches (815 mm) minimum and the other stroke 56 inches (1420 mm) minimum in length having a width of 42 inches (1065 mm) minimum.

V403.5.3 Passing Spaces. A walking surface with a clear width less than 60 inches (1525 mm) shall provide passing spaces at intervals of 200 feet (61 m) maximum. Passing spaces shall be either: a space 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum; or, an intersection of two walking surfaces providing a T-shaped space complying with V304.3.2 where the base and arms of the T-shaped space extend 48 inches (1220 mm) minimum beyond the intersection.

V403.6 Handrails. Where handrails are provided along walking surfaces with running slopes not steeper than 1:20, handrails shall comply with V503.

V404 Doors, Doorways, and Gates

V404.1 General. Doors, doorways, and gates shall comply with V404.

EXCEPTION: Where doors, doorways, and gates are intended to be operated only by employees, they shall not be required to:

1. Provide the portion of the maneuvering clearance beyond the latch side of the door specified in V404.2.4; or

2. Comply with V404.2.7, V404.2.8, V404.2.9, V404.3.2 and V404.3.4 through V404.3.7.

V404.2 Manual Doors, Doorways, and Manual Gates. Manual doors and doorways and manual gates intended for user passage shall comply with V404.2.

V404.2.1 Revolving Doors, Gates, and Turnstiles. Revolving doors, revolving gates, and turnstiles shall not be part of an accessible route.

V404.2.2 Double-Leaf Doors and Gates. At least one of the active leaves of doorways with two leaves shall comply with V404.2.3 and V404.2.4.

EXCEPTION: At doorways intended to be operated only by employees at entry and departure points, and at vessel evacuation points, V404.2.2 shall not apply.

V404.2.3 Clear Width. Door openings shall provide a clear width of 32 inches (815 mm) minimum. Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees. Openings more than 24 inches (610 mm) deep shall provide a clear opening of 36 inches (915 mm) minimum. There shall be no projections into the required clear opening width lower than 34 inches (865 mm) above the finish deck surface. Projections into the clear opening width between 34 inches (865 mm) and 80 inches (2030 mm) above the finish deck surface shall not exceed 4 inches (100 mm).

EXCEPTIONS: 1. In alterations, a projection of ⅝ inch (16 mm) maximum into the required clear width shall be permitted for the latch side stop.

2. Door closers and door stops shall be permitted to be 78 inches (1980 mm) minimum above the finish deck surface.

3. The clear width of doors to stairways shall be permitted to comply with the applicable requirements of the administrative authority.

V404.2.4 Maneuvering Clearances. Minimum maneuvering clearances at doors and gates shall comply with V404.2.4. Maneuvering clearances shall extend the full width of the doorway and the required latch side or hinge side clearance.

EXCEPTIONS: 1. Entry doors to medical facility patient rooms shall not be required to provide the clearance beyond the latch side of the door.

2. Maneuvering clearances shall not be required on the outboard side of doors and gates at entry and departure points that are required to be accessible.

3. Where the largest deck is less than 3,000 square feet (279 m^2), fold-down seats when in the down position shall be permitted to project into maneuvering clearances for doors and gates intended to be operated only by employees.

V404.2.4.1 Swinging Doors and Gates. Swinging doors and gates shall have maneuvering clearances complying with Table V404.2.4.1.

TABLE V404.2.4.1—MANEUVERING CLEARANCES AT MANUAL SWINGING DOORS AND GATES

Types of use		Minimum maneuvering clearance	
Approach direction	Door or gate side	Perpendicular to doorway	Parallel to doorway (beyond latch side unless noted)
From front	Pull	60 inches (1525 mm)	18 inches (455 mm).
From front	Push	48 inches (1220 mm)	0 inches (0 mm).[1]
From hinge side	Pull	60 inches (1525 mm)	36 inches (915 mm).
From hinge side	Pull	54 inches (1370 mm)	42 inches (1065 mm).
From hinge side	Push	42 inches (1065 mm)[2]	22 inches (560 mm).[3]
From latch side	Pull	48 inches (1220 mm)[4]	24 inches (610 mm).
From latch side	Push	42 inches (1065 mm)[4]	24 inches (610 mm).

[1] Add 12 inches (305 mm) if closer and latch are provided.
[2] Add 6 inches (150 mm) if closer and latch are provided.
[3] Beyond hinge side.
[4] Add 6 inches (150 mm) if closer is provided.

V404.2.4.2 Doorways without Doors or Gates, Sliding Doors, and Folding Doors. Doorways less than 36 inches (915 mm) wide without doors or gates, sliding doors, or folding doors shall have maneuvering clearances complying with Table V404.2.4.2.

TABLE V404.2.4.2—MANEUVERING CLEARANCES AT DOORWAYS WITHOUT DOORS OR GATES, MANUAL SLIDING DOORS, AND MANUAL FOLDING DOORS

Approach direction	Minimum maneuvering clearance	
	Perpendicular to doorway	Parallel to doorway (beyond stop/latch side unless noted)
From front	48 inches (1220 mm)	0 inches (0 mm).
From side[1]	42 inches (1065 mm)	0 inches (0 mm).
From pocket/hinge side	42 inches (1065 mm)	22 inches (560 mm).[2]
From stop/latch side	42 inches (1065 mm)	24 inches (610 mm).

[1] Doorway with no door only.
[2] Beyond pocket/hinge side.

V404.2.4.3 Recessed Doors and Gates. Maneuvering clearances for forward approach shall be provided when any obstruction within 18 inches (455 mm) of the latch side of a doorway projects more than 8 inches (205 mm) beyond the face of the door, measured perpendicular to the face of the door or gate.

V404.2.4.4 Deck Surface. Deck surface within required maneuvering clearances shall comply with V302. Changes in level are not permitted.

EXCEPTIONS: 1. Slopes not steeper than 1:48 shall be permitted.

2. Changes in level at thresholds and coamings complying with V404.2.5 shall be permitted.

V404.2.5 Thresholds and Coamings. Doorways without coamings shall comply with V404.2.5.1. Doorways with coamings shall comply with V404.2.5.2.

EXCEPTION: Where required by the administrative authority to meet weathertight door sealing requirements, weathertight doors shall be permitted to have non-beveled thresholds ¾ inch (19 mm) high maximum on the sealing side of the doors provided that the thresholds contrast visually with adjacent deck surfaces either light-on-dark or dark-on-light.

V404.2.5.1 Doorways without Coamings. Where provided at doorways without coamings, thresholds shall be ½ inch (13 mm) high maximum. Raised thresholds and changes in level at doorways shall comply with V302 and V303.

EXCEPTION: Existing or altered thresholds ¾ inch (19 mm) high maximum that have a beveled edge on each side with a slope not steeper than 1:2 shall not be required to comply with V404.2.5.1.

V404.2.5.2 Doorways with Coamings. Where the administrative authority requires doorways to have coamings, the coaming shall conform to the minimum coaming height determined by the administrative authority and the doorways shall comply with V404.2.5.2.1 or with V404.2.5.2.2.

EXCEPTIONS: 1. Where ramps are provided at doorways with coamings, the landing at the top of the ramps specified in V405.7 shall not be required.

2. Where the administrative authority permits coamings to be removable, doorways shall not be required to comply with V404.2.5.2 provided that: (a) the thresholds are readily removable by employees; (b) the doors are only employee operated; and (c) the weather deck areas accessed by the doors are not open to passengers when the vessel is underway, except in emergencies.

3. Where the administrative authority determines that it is not feasible to comply with V404.2.5.2 due to space limitations and watertight doors are provided instead of weathertight doors, the thresholds on the side of the watertight doors containing the door seal are permitted to have non-beveled thresholds 1¼ inches (32 mm) high maximum provided that the thresholds contrast visually with adjacent deck surfaces either light-on-dark or dark-on-light.

V404.2.5.2.1 Single Ramp Access. Doorways with coamings shall provide single ramp access complying with V404.2.5.2.1.

V404.2.5.2.1.1 Side with Ramp. A ramp complying with V405 shall be provided on the side of the doorway to be protected from water infiltration. The ramp width shall be equal to or greater than the width of the maneuvering clearances required by V404.2.2.4.

EXCEPTION: Where the largest deck is less than 3,000 square feet (279 m^2), the slope of the ramp run at doorways with coamings that provide single ramp access shall be permitted to comply with Table V405.2.

V404.2.5.2.1.2 Side without Ramp. On the side of the doorway without a ramp, changes in level are not permitted within the maneuvering clearances required by V404.2.2.4.

EXCEPTION: Where the largest deck is less than 3,000 square feet (279 m^2), maneuvering clearances specified in V404.2.4 shall be permitted to be 48 inches (1220 mm) minimum in depth on the side of the doorway without a ramp.

V404.2.5.2.2 Double Ramp Access and Automatic Doors. Doorways with coamings shall provide double ramp access and automatic doors complying with V404.2.5.2.2.

V404.2.5.2.2.1 Double Ramps. Ramps complying with V405 shall be provided on each side of the doorway. The ramp width shall be equal to or greater than the width of the maneuvering clearances required by V404.2.2.4.

V404.2.5.2.2.2 Automatic Doors. Automatic doors complying with V404.3 shall be provided at doorways with double ramp access at coamings.

EXCEPTION: Where the doors are intended to be operated only by employees, the doors shall not be required to be automatic.

V404.2.6 Doors in Series and Gates in Series. The distance between two hinged or pivoted doors in series and gates in series shall be 48 inches (1220 mm) minimum plus the width of doors or gates swinging into the space.

V404.2.7 Door and Gate Hardware. Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with V309.4. Operable parts of such hardware shall be 34 inches (865 mm) minimum and 48 inches (1220 mm) maximum above the finish deck surface. Where sliding doors are in the fully open position, operating hardware shall be exposed and usable from both sides.

EXCEPTIONS: 1. Where the administrative authority has determined that forces greater than 5 pounds (22.2 N) are necessary for hardware on fire doors, watertight doors, or other doors, the maximum force shall be permitted to be established by the administrative authority for such doors.

2. Access gates in barrier walls and fences protecting pools, spas, and hot tubs shall be permitted to have operable parts of the release of latch on self-latching devices at 54 inches (1370 mm) maximum above the finish deck surface provided that the self-latching devices are not also self-locking devices and operated by means of a key, electronic opener, or integral combination lock.

3. In alterations, existing locks shall be permitted in any location at existing glazed doors without stiles, existing overhead rolling doors or grilles, and similar existing doors or grilles with locks that are activated only at the top or bottom rail.

V404.2.8 Closing Speed. Door and gate closing speed shall comply with V404.2.8.

V404.2.8.1 Door Closers and Gate Closers. Door closers and gate closers shall be adjusted so that from an open position of 90 degrees, the time required to move the door to a position of 12 degrees from the latch is 5 seconds minimum.

V404.2.8.2 Spring Hinges. Door and gate spring hinges shall be adjusted so that from the open position of 70 degrees, the door or gate shall move to the closed position in 1.5 seconds minimum.

V404.2.9 Door and Gate Opening Force. Door and gate opening forces shall comply with V404.2.9.

EXCEPTION: Doors on sailing vessels shall not be required to comply with V404.2.9.

V404.2.9.1 Fire and Watertight Doors. Fire doors and watertight doors shall have the minimum opening force determined by the administrative authority.

V404.2.9.2 Gates and Other Doors. At gates and doors other than fire and watertight doors, the force for pushing or pulling open interior and exterior sliding and folding doors, and interior hinged doors and gates, shall be 5 pounds (22.2 N) maximum.

EXCEPTION: Where the administrative authority determines that forces greater than 5 pounds (22.2 N) are necessary, the maximum opening force shall be permitted to be established by the administrative authority.

V404.2.10 Door and Gate Surfaces. Swinging door and gate surfaces within 10 inches (255 mm) of the finish deck surface measured vertically shall have a smooth surface on the push side extending the full width of the door or gate. Parts creating horizontal or vertical joints in these surfaces shall be within 1/16 inch (1.6 mm) of the same plane as the other. Cavities created by added kick plates shall be capped.

EXCEPTIONS: 1. Sliding doors shall not be required to comply with V404.2.10.

2. Tempered glass doors without stiles that have a bottom rail or shoe with the top leading edge tapered at 60 degrees minimum from the horizontal shall not be required to meet the 10 inch (255 mm) bottom smooth surface height requirement.

3. Doors and gates that do not extend to within 10 inches (255 mm) of the finish deck surface shall not be required to comply with V404.2.10.

4. In alterations, existing doors and gates without smooth surfaces within 10 inches (255 mm) of the finish deck surface shall not be required to provide smooth surfaces complying with V404.2.10 provided that, if added kick plates are installed, cavities created by such kick plates are capped.

V404.2.11 Vision Lights. Doors, gates, and side lights adjacent to doors or gates, containing one or more glazing panels that permit viewing through the panels shall have the bottom of at least one glazed panel located 43 inches (1090 mm) maximum above the finish deck surface.

EXCEPTION: Vision lights with the lowest part more than 66 inches (1675 mm) from the finish deck surface shall not be required to comply with V404.2.11.

V404.3 Automatic and Power-Assisted Doors and Gates. Automatic doors and automatic gates shall comply with V404.3.

V404.3.1 Clear Width. Doorways shall provide a clear opening of 32 inches (815 mm) minimum in power-on and power-off mode. The minimum clear width for automatic door systems in a doorway shall be based on the clear opening provided by all leaves in the open position, unless the breakout opening requirement in V404.3.6 applies.

V404.3.2 Maneuvering Clearance. Clearances at power-assisted doors and gates shall comply with V404.2.4. Clearances at automatic doors and gates without emergency power and serving an accessible means of escape shall comply with V404.2.4.

EXCEPTION: Where automatic doors and gates remain open in the power-off condition, V404.3.2 shall not apply.

V404.3.3 Thresholds. Thresholds and changes in level at doorways shall comply with V404.2.5.

V404.3.4 Doors in Series and Gates in Series. Doors in series and gates in series shall comply with V404.2.6.

V404.3.5 Controls. Manually operated controls shall comply with V309. The clear deck space adjacent to the control shall be located beyond the arc of the door swing.

V404.3.6 Break Out Opening. Where doors and gates without emergency power are a part of an accessible means of escape, the clear break out opening at swinging or sliding doors and gates shall be 32 inches (815 mm) minimum when operated in emergency mode.

EXCEPTION: Where manual swinging doors and gates comply with V404.2 and serve the same accessible means of escape, V404.3.6 shall not apply.

V404.3.7 Revolving Doors, Revolving Gates, and Turnstiles. Revolving doors, revolving gates, and turnstiles shall not be part of an accessible route.

V405 Ramps

V405.1 General. Ramps shall comply with V405.

EXCEPTION: In assembly areas, aisle ramps adjacent to seating and not serving elements required to be on an accessible route shall not be required to comply with V405.

V405.2 Slope. Ramp runs shall have a running slope not steeper than 1:12.

EXCEPTION: In alterations, ramps shall be permitted to comply with Table V405.2 where such slopes are necessary due to space limitations.

TABLE V405.2—ALTERNATE RAMP SLOPES PERMITTED BY EXCEPTION

Slope [1]	Maximum rise
Steeper than 1:10 but not steeper than 1:8	3 inches (75 mm).
Steeper than 1:12 but not steeper than 1:10	6 inches (150 mm).

[1] A slope steeper than 1:8 is prohibited.

V405.3 Cross Slope. Cross slope of ramp runs shall not be steeper than 1:48.

V405.4 Deck Surfaces. Deck surfaces of ramp runs shall comply with V302. Changes in level other than the running slope and cross slope are not permitted on ramp runs.

V405.5 Clear Width. The clear width of a ramp run and, where handrails are provided, the clear width between handrails shall be 36 inches (915 mm) minimum.

EXCEPTION: Where the largest deck is less than 3,000 square feet (279 m^2), the clear width of ramp runs and the clear width

between handrails shall be permitted to 32 inches (815 mm) minimum.

V405.6 Rise. The rise for any ramp run shall be 30 inches (760 mm) maximum.

V405.7 Landings. Ramps shall have landings at the top and the bottom of each ramp run. Landings shall comply with V405.7.

V405.7.1 Slope. Landings shall comply with V302. Changes in level are not permitted.

EXCEPTION: Slopes not steeper than 1:48 shall be permitted.

V405.7.2 Width. The landing clear width shall be at least as wide as the widest ramp run leading to the landing.

V405.7.3 Length. The landing clear length shall be 60 inches (1525 mm) long minimum.

EXCEPTION: Where the largest deck is less than 3,000 square feet (279 m^2), the landing clear length shall be permitted to be 48 inches (1220 mm) long minimum.

V405.7.4 Change in Direction. Ramps that change direction between runs at landings shall have a clear landing 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum.

V405.7.5 Doorways. Where doorways are located adjacent to a ramp landing, maneuvering clearances required by V404.2.4 and V404.3.2 shall be permitted to overlap the required landing area.

V405.8 Handrails. Ramp runs with a rise greater than 6 inches (150 mm) shall have handrails complying with V503.

V405.9 Edge Protection. Edge protection complying with V405.9.1 or V405.9.2 shall be provided on each side of ramp runs and at each side of ramp landings.

EXCEPTIONS: 1. Edge protection shall not be required on ramps that are not required to have handrails and have sides complying with V406.3.

2. Edge protection shall not be required on the sides of ramp landings serving an adjoining ramp run, gangway run, or stairway.

3. Edge protection shall not be required on the sides of ramp landings having a vertical drop-off of ½ inch (13 mm) maximum within 10 inches (255 mm) horizontally of the minimum landing area specified in V405.7.

V405.9.1 Extended Deck Surface. The deck surface of the ramp run or landing shall extend 12 inches (305 mm) minimum beyond the inside face of a handrail complying with V503.

V405.9.2 Curb or Barrier. A curb or barrier shall be provided that prevents the passage of a 4 inch (100 mm) diameter sphere, where any portion of the sphere is within 4 inches (100 mm) of the finish deck surface.

V405.10 Wet Conditions. Landings subject to wet conditions shall be designed to prevent the accumulation of water.

V406 Curb Ramps

V406.1 General. Curb ramps shall comply with V406, V405.2 through V405.5, and V405.10.

V406.2 Counter Slope. Counter slopes of adjoining gutters and vehicular way surfaces immediately adjacent to the curb ramp shall not be steeper than 1:20. The adjacent surfaces at transitions at curb ramps to walks, gutters, and vehicular ways shall be at the same level.

V406.3 Sides of Curb Ramps. Where provided, curb ramp flares shall not be steeper than 1:10.

V406.4 Landings. Landings shall be provided at the tops of curb ramps. The landing clear length shall be 36 inches (915 mm) minimum. The landing clear width shall be at least as wide as the curb ramp, excluding flared sides, leading to the landing.

EXCEPTION: In alterations, where there is no landing at the top of existing curb ramps, curb ramp flares shall be provided and shall not be steeper than 1:12.

V407 Elevators

V407.1 General. Elevators shall comply with V407. They shall be passenger elevators. Elevator operation shall be automatic.

V407.2 Elevator Landing Requirements. Elevator landings shall comply with V407.2.

V407.2.1 Call Controls. Where elevator call buttons or keypads are provided, they shall comply with V407.2.1 and V309.4. Call buttons shall be raised or flush.

EXCEPTION: In alterations, existing elevators shall be permitted to have recessed call buttons.

V407.2.1.1 Height. Call buttons and keypads shall be located within one of the reach ranges specified in V308, measured to the centerline of the highest operable part.

EXCEPTION: In alterations, existing call buttons and existing keypads shall be permitted to be located at 54 inches (1370 mm) maximum above the finish deck surface measured to the centerline of the highest operable part.

V407.2.1.2 Size. Call buttons shall be ¾ inch (19 mm) minimum in the smallest dimension.

EXCEPTION: In alterations, existing elevator call buttons shall not be required to comply with V407.2.1.2.

V407.2.1.3 Clear Deck Space. A clear deck space complying with V305 shall be provided at call controls.

V407.2.1.4 Location. The call button that designates the up direction shall be located above the call button that designates the down direction.

EXCEPTION: Destination-oriented elevators shall not be required to comply with V407.2.1.4.

V407.2.1.5 Signals. Call buttons shall have visible signals to indicate when each call is registered and when each call is answered.

EXCEPTIONS: 1. Destination-oriented elevators shall not be required to comply with V407.2.1.5 if visible and audible signals complying with V407.2.2 indicating which elevator car to enter are provided.

2. In alterations, existing elevators shall not be required to comply with V407.2.1.5.

V407.2.1.6 Keypads. Where keypads are provided, keypads shall be in a standard telephone keypad arrangement and shall comply with V407.4.7.2.

V407.2.2 Hall Signals. Hall signals, including in-car signals, shall comply with V407.2.2.

V407.2.2.1 Visible and Audible Signals. A visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call and the car's direction of travel. Where in-car signals are provided, they shall be visible from the deck area adjacent to the hall call buttons.

EXCEPTIONS: 1. Visible and audible signals shall not be required at each destination-oriented elevator where a visible and audible signal complying with V407.2.2 is provided indicating the elevator car designation information.

2. In alterations to existing elevators, a signal indicating the direction of car travel shall not be required.

V407.2.2.2 Visible Signals. Visible signal fixtures shall be centered at 72 inches (1830 mm) minimum above the finish deck surface. The visible signal elements shall be 2½ inches (64 mm) minimum measured along the vertical centerline of the element. Signals shall be visible from the deck area adjacent to the hall call button.

EXCEPTIONS: 1. Destination-oriented elevators shall be permitted to have signals visible from the deck area adjacent to the hoistway entrance.

2. In alterations, existing elevators shall not be required to comply with V407.2.2.2.

V407.2.2.3 Audible Signals. Audible signals shall sound once for the up direction and twice for the down direction, or shall have verbal annunciators that indicate the direction of elevator car travel. Audible signals shall have a frequency of 1500 Hz maximum. Verbal annunciators shall have a frequency of 300 Hz minimum and 3000 Hz maximum. The audible signal and verbal annunciator shall be 10 dB minimum above ambient, but shall not exceed 80 dB maximum, measured at the hall call button.

EXCEPTIONS: 1. Destination-oriented elevators shall not be required to comply with V407.2.2.3 if the audible tone and verbal announcement is the same as those given at the call button or call button keypad.

2. In alterations, existing elevators shall not be required to comply with the requirements for frequency and dB range of audible signals.

V407.2.2.4 Differentiation. Each destination-oriented elevator in a bank of elevators shall have audible and visible means for differentiation.

V407.2.3 Hoistway Signs. Signs at elevator hoistways shall comply with V407.2.3.

V407.2.3.1 Deck Designation. Deck designations complying with V703.2 and V703.4.1 shall be provided on both jambs of elevator hoistway entrances. Deck designations shall be provided in both tactile characters and braille. Tactile characters shall be 2 inches (51 mm) high minimum. Where vessel entry points are provided on only one deck, a tactile star shall be provided on both jambs at the entry deck.

V407.2.3.2 Car Designations. Destination-oriented elevators shall provide tactile car identification complying with V703.2 on both jambs of the hoistway immediately below the deck designation. Car designations shall be provided in both tactile characters and braille. Tactile characters shall be 2 inches (51 mm) high minimum.

V407.3 Elevator Door Requirements. Hoistway and car doors shall comply with V407.3.

V407.3.1 Type. Elevator doors shall be the horizontal sliding type. Car gates shall be prohibited.

V407.3.2 Operation. Elevator hoistway and car doors shall open and close automatically.

EXCEPTION: In alterations, existing manually operated hoistway swing doors shall be permitted if they comply with V404.2.3 and V404.2.9. Car door closing shall not be initiated until the hoistway door is closed.

V407.3.3 Reopening Device. Elevator doors shall be provided with a reopening device complying with V407.3.3 that shall stop and reopen a car door and hoistway door automatically if the door becomes obstructed by an object or person.

EXCEPTION: In alterations, existing elevators with manually operated doors shall not be required to comply with V407.3.3.

V407.3.3.1 Height. The device shall be activated by sensing an obstruction passing through the opening at 5 inches (125 mm) nominal and 29 inches (735 mm) nominal above the finish deck surface.

V407.3.3.2 Contact. The device shall not require physical contact to be activated, although contact is permitted to occur before the door reverses.

V407.3.3.3 Duration. Door reopening devices shall remain effective for 20 seconds minimum.

V407.3.4 Door and Signal Timing. The minimum acceptable time from notification that a car is answering a call or notification of the car assigned at the means for the entry of destination information until the doors of that car start to close shall be calculated from the following equation: T = D/(1.5 ft/s) or T = D/(455 mm/s) = 5 seconds minimum where T equals the total time in seconds and D equals the distance (in feet or millimeters) from the point in the lobby or corridor 60 inches (1525 mm) directly in front of the farthest call button controlling that car to the centerline of its hoistway door.

EXCEPTIONS: 1. For cars with in-car lanterns, T shall be permitted to begin when the signal is visible from the point 60 inches (1525 mm) directly in front of the farthest hall call button and the audible signal is sounded.

2. Destination-oriented elevators shall not be required to comply with V407.3.4.

V407.3.5 Door Delay. Elevator doors shall remain fully open in response to a car call for 3 seconds minimum.

V407.3.6 Width. The width of elevator doors shall comply with Table V407.4.1.

EXCEPTION: In alterations to existing elevators, a power-operated car door complying with V404.2.3 shall be permitted.

V407.4 Elevator Car Requirements. Elevator cars shall comply with V407.4.

V407.4.1 Car Dimensions. Inside dimensions of elevator cars and clear width of elevator doors shall comply with Table V407.4.1.

EXCEPTION: In alterations, existing elevator car configurations that provide a clear deck area 16 square feet (1.5 m^2) minimum, and an inside clear depth 54 inches (1370 mm) minimum and an inside clear width 36 inches (915 mm) minimum shall be permitted.

TABLE V407.4.1—ELEVATOR CAR DIMENSIONS

Door location	Minimum dimensions			
	Door clear width	Inside car, side to side	Inside car, back wall to front return	Inside car, back wall to inside face of door
Centered	42 inches (1065 mm)	80 inches (2030 mm)	51 inches (1295 mm)	54 inches (1370 mm).
Any	36 inches (915 mm) [1]	68 inches (1725 mm)	51 inches (1295 mm)	54 inches (1370 mm).
Any	36 inches (915 mm) [1]	54 inches (1370 mm)	80 inches (2030 mm)	80 inches (2030 mm).
Any	36 inches (915 mm) [1]	60 inches (1525 mm) [2]	60 inches (1525 mm) [2]	60 inches (1525 mm).[2]

[1] A tolerance of minus ⅝ inch (16 mm) is permitted.

[2] Other car configurations that provide a turning space complying with V304 with the door closed shall be permitted.

V407.4.2 Deck Surfaces. Deck surfaces in elevator cars shall comply with V302 and V303.

V407.4.3 Platform to Hoistway Clearance. The clearance between the car platform sill and the edge of any hoistway landing shall be ¼ inch (32 mm) maximum.

V407.4.4 Leveling. Each car shall be equipped with a self-leveling feature that will automatically bring and maintain the car at deck landings within a tolerance of ½ inch (13 mm) under rated loading to zero loading conditions.

V407.4.5 Illumination. The level of illumination at the car controls, platform, car threshold, and car landing sill shall be 5 foot candles (54 lux) minimum.

V407.4.6 Elevator Car Controls. Where provided, elevator car controls shall comply with V407.4.6 and V309.4.

EXCEPTION: In alterations to existing elevators, where a new car operating panel complying with V407.4.6 is provided, existing car operating panels shall not be required to comply with V407.4.6.

V407.4.6.1 Location. Controls shall be located within one of the reach ranges specified in V308.

EXCEPTIONS: 1. Where the elevator panel serves more than 16 openings and a parallel approach is provided, buttons with deck designations shall be permitted to be 54 inches (1370 mm) maximum above the finish deck surface.

2. In alterations to existing elevators, car control buttons with deck designations shall be permitted to be located 54 inches (1370 mm) maximum above the finish deck surface where a parallel approach is provided.

V407.4.6.2 Buttons. Car control buttons with deck designations shall comply with V407.4.6.2 and shall be raised or flush.

EXCEPTION: In alterations to existing elevators, buttons shall be permitted to be recessed.

V407.4.6.2.1 Size. Buttons shall be ¾ inch (19 mm) minimum in their smallest dimension.

V407.4.6.2.2 Arrangement. Buttons shall be arranged with numbers in ascending order. When two or more columns of buttons are provided, they shall read from left to right.

V407.4.6.3 Keypads. Car control keypads shall be in a standard telephone keypad arrangement and shall comply with V407.4.7.2.

V407.4.6.4 Emergency Controls. Emergency controls shall comply with V407.4.6.4.

V407.4.6.4.1 Height. Emergency control buttons shall have their centerlines 35 inches (890 mm) minimum above the finish deck surface.

V407.4.6.4.2 Location. Emergency controls, including the emergency alarm, shall be grouped at the bottom of the panel.

V407.4.7 Designations and Indicators of Car Controls. Designations and indicators of car controls shall comply with V407.4.7.

EXCEPTION: In alterations to existing elevators, where a new car operating panel complying with V407.4.7 is provided, existing car operating panels shall not be required to comply with V407.4.7.

V407.4.7.1 Buttons. Car control buttons shall comply with V407.4.7.1.

V407.4.7.1.1 Type. Control buttons shall be identified by tactile characters complying with V703.2.

V407.4.7.1.2 Location. Raised character and braille designations shall be placed immediately to the left of the control button to which the designations apply.

EXCEPTION: In alterations, where space on an existing car operating panel precludes tactile markings to the left of the controls, markings shall be placed as near to the controls as possible.

V407.4.7.1.3 Symbols. The control button for the emergency stop, alarm, door open, door close, entry deck, and phone, shall be identified with tactile symbols shown in Figure V407.4.7.1.3 at the end of this document.

EXCEPTION: Where a passenger vessel has more than one entry deck, the entry deck tactile symbol is not required.

V407.4.7.1.4 Visible Indicators. Buttons with deck designations shall be provided with visible indicators to show that a call has

been registered. The visible indication shall extinguish when the car arrives at the designated deck.

V407.4.7.2 Keypads. Keypads shall be identified by characters complying with V703.5 and shall be centered on the corresponding keypad button. The number five key shall have a single raised dot. The dot shall be 0.118 inch (3 mm) to 0.120 inch (3.05 mm) base diameter and in other aspects comply with Table V703.3.1.

V407.4.8 Car Position Indicators. Audible and visible car position indicators shall be provided in elevator cars.

V407.4.8.1 Visible Indicators. Visible indicators shall comply with V407.4.8.1.

V407.4.8.1.1 Size. Characters shall be ½ inch (13 mm) high minimum.

V407.4.8.1.2 Location. Indicators shall be located above the car control panel or above the door.

V407.4.8.1.3 Deck Arrival. As the car passes a deck and when a car stops at a deck served by the elevator, the corresponding character shall illuminate.

EXCEPTION: Destination-oriented elevators shall not be required to comply with V407.4.8.1.3 if the visible indicators extinguish when the call has been answered.

V407.4.8.1.4 Destination Indicator. In destination-oriented elevators, a display shall be provided in the car with visible indicators to show car destinations.

V407.4.8.2 Audible Indicators. Audible indicators shall comply with V407.4.8.2.

V407.4.8.2.1 Signal Type. The signal shall be an automatic verbal annunciator which announces the deck at which the car is about to stop.

EXCEPTION: For elevators other than destination-oriented elevators that have a rated speed of 200 feet per minute (1 m/s) or less, a non-verbal audible signal with a frequency of 1500 Hz maximum which sounds as the car passes or is about to stop at a deck served by the elevator shall be permitted.

V407.4.8.2.2 Signal Level. The verbal annunciator shall be 10 dB minimum above ambient, but shall not exceed 80 dB, measured at the annunciator.

V407.4.8.2.3 Frequency. The verbal annunciator shall have a frequency of 300 Hz minimum to 3000 Hz maximum.

V407.4.9 Emergency Communication. Where provided, emergency two-way communication systems shall comply with V308 and shall provide a visual signal in the elevator car acknowledging that an emergency signal was received at the bridge of the vessel or other space where emergency actions are directed. Tactile symbols and characters shall be provided adjacent to the operable parts of the system in the elevator car and shall comply with V703.2.

V408 Limited Use-Limited Application Elevators

V408.1 General. Limited use-limited application elevators shall comply with V408. They shall be passenger elevators. Elevator operation shall be automatic.

V408.2 Elevator Landings. Landings serving limited-use/limited-application elevators shall comply with V408.2.

V408.2.1 Call Buttons. Elevator call buttons and keypads shall comply with V407.2.1.

V408.2.2 Hall Signals. Hall signals shall comply with V407.2.2.

V408.2.3 Hoistway Signs. Signs at elevator hoistways shall comply with V407.2.3.1.

V408.3 Elevator Doors. Elevator hoistway doors shall comply with V408.3.

V408.3.1 Sliding Doors. Sliding hoistway and car doors shall comply with V407.3.1 through V407.3.3 and V408.4.1.

V408.3.2 Swinging Doors. Swinging hoistway doors shall open and close automatically and shall comply with V404, V407.3.2 and V408.3.2.

V408.3.2.1 Power Operation. Swinging doors shall be power-operated.

V408.3.2.2 Duration. Power-operated swinging doors shall remain open for 20 seconds minimum when activated.

V408.4 Elevator Cars. Elevator cars shall comply with V408.4.

V408.4.1 Car Dimensions and Doors. Elevator cars shall provide a clear width 42 inches (1065 mm) minimum and a clear depth 54 inches (1370 mm) minimum. Car doors shall be positioned at the narrow ends of cars and shall provide 32 inches (815 mm) minimum clear width.

EXCEPTIONS: 1. Cars that provide a clear width 51 inches (1295 mm) minimum shall be permitted to provide a clear depth 51 inches (1295 mm) minimum provided that car doors provide a clear opening 36 inches (915 mm) wide minimum.

2. In alterations, existing elevator cars shall be permitted to provide a clear width 36 inches (915 mm) minimum, clear depth 54 inches (1370 mm) minimum, and a net clear platform area 15 square feet (1.4 m^2) minimum.

V408.4.2 Deck Surfaces. Deck surfaces in elevator cars shall comply with V302 and V303.

V408.4.3 Platform to Hoistway Clearance. The platform to hoistway clearance shall comply with V407.4.3.

V408.4.4 Leveling. Elevator car leveling shall comply with V407.4.4.

V408.4.5 Illumination. Elevator car illumination shall comply with V407.4.5.

V408.4.6 Car Controls. Elevator car controls shall comply with V407.4.6. Control panels shall be centered on a side wall and shall comply with V309.

V408.4.7 Designations and Indicators of Car Controls. Designations and indicators of car controls shall comply with V407.4.7.

V408.4.8 Emergency Communications. Car emergency signaling devices complying with V407.4.9 shall be provided.

V409 Platform Lifts

V409.1 General. Platform lifts shall comply with V409. Platform lifts shall not be attendant-operated and shall provide unassisted entry and exit from the lift. The rated load of the platform lifts shall be 450 pounds (204 kg) minimum.

V409.2 Platform Surface and Size. The lift platform surface and size shall comply with V302, V303, and V305.

EXCEPTION: Where the largest deck is less than 3,000 square feet (279 m^2), the lift platform shall be permitted to be 32 inches (815 mm) wide minimum where the lift platform is approached at the short side.

V409.3 Platform to Runway Clearance. The clearance between the platform sill and the edge of any runway landing shall be 1¼ inch (32 mm) maximum.

V409.4 Operable Parts. Controls for platform lifts shall comply with V309.

V409.5 Doors and Gates. Platform lifts shall have low-energy power-operated doors or gates complying with V404.3. Doors shall remain open for 20 seconds minimum. End doors and gates shall provide a clear width 32 inches (815 mm) minimum. Side doors and gates shall provide a clear width 42 inches (1065 mm) minimum.

EXCEPTION: Platform lifts serving two landings maximum and having doors or gates on opposite sides shall be permitted to have self-closing manual doors or gates.

V410 Gangways

V410.1 General. Gangways that are part of accessible passenger boarding systems shall comply with V410.

V410.2 Slope. Gangway runs shall have a running slope not steeper than 1:12.

EXCEPTIONS: 1. Where gangways have only one run and the gangways do not exceed a rise of 6 inches (150 mm), the gangways shall be permitted to have running slopes in accordance with Table V410.2.

2. Where an existing gangway run or series of gangway runs is replaced or altered, an increase in the length of the gangway run shall not be required to comply with V410.2.

3. On vessel carried gangways, where the total length of the gangway run or series of runs is at least as long as the beam of the vessel, gangways shall not be required to comply with V410.2.

4. On pier provided gangways, where the total length of a gangway run or series of runs is at least 120 feet (37 m), gangways shall not be required to comply with V410.2.

5. On passenger vessels which carry vehicles, where the only way for pedestrian passengers to embark or disembark is by way of a gangway that also functions as a vehicle transfer bridge, gangways shall not be required to comply with V410.2.

TABLE V410.2—ALTERNATE RUNNING SLOPES PERMITTED BY EXCEPTION 1

Slope [1]	Maximum rise
Steeper than 1:10 but not steeper than 1:8	3 inches (75 mm).
Steeper than 1:12 but not steeper than 1:10	6 inches (150 mm).

[1] A slope steeper than 1:8 is prohibited.

V410.3 Cross Slope. Cross slope of gangway runs shall not be steeper than 1:48.

V410.4 Surfaces. Surfaces of gangway runs shall comply with V302. Changes in level other than the running slope and cross slope are not permitted on gangway runs.

EXCEPTIONS: 1. Where gangways are deployed and conditions result in slopes greater than 1:4, changes in level complying with V303.2 or V303.3 shall be permitted on surfaces of gangway runs.

2. Changes in level shall be permitted on gangway run surfaces that extend beyond the minimum clear width specified in V410.5.

V410.5 Clear Width. The clear width of a gangway run and, where handrails are provided, the clear width between handrails shall be 36 inches (915 mm) minimum.

EXCEPTION: Where the largest deck is less than 3,000 square feet (279 m^2), the width of gangway runs and the distance between handrails, if provided, shall be permitted to have clear widths of 32 inches (815 mm) minimum.

V410.6 Transition Plates. Transition plates provided at the ends of gangway runs shall contrast visually with adjacent passenger walkways either light-on-dark or dark-on-light.

V410.7 Landings. Gangways shall have landings at the top and the bottom of each gangway run. Landings shall comply with V410.7.

EXCEPTIONS: 1. Landings shall not be required between transition plates complying with V403 or V405, and gangways.

2. On telescoping gangways, landings shall not be required between gangway segments where transition plates are provided which comply with V405.1 through V405.6, and V405.8 through V405.10.

V410.7.1 Slope. Landings shall comply with V302. Changes in level are not permitted.

EXCEPTION: Slopes not steeper than 1:48 shall be permitted.

V410.7.2 Width. The landing clear width shall be at least as wide as the widest gangway run leading to the landing.

V410.7.3 Length. The landing clear length shall be 60 inches (1525 mm) long minimum.

V410.7.4 Change in Direction. Gangways that change direction between runs at landings shall have a clear landing 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum.

V410.7.5 Doorways. Where doorways are located adjacent to a gangway landing, maneuvering clearances required by V404.2.4 and V404.3.2 shall be permitted to overlap the required landing area.

V410.8 Handrails. Gangway runs with a rise greater than 6 inches (150 mm) shall have handrails complying with V503.

EXCEPTION: Gangways that also function as vehicle transfer bridges shall be permitted to have readily removable handrails.

V410.9 Edge Protection. Edge protection complying with V410.9.1 or V410.9.2 shall be provided on each side of gangway runs and at each side of gangway landings.

EXCEPTIONS: 1. Edge protection shall not be required on the sides of gangway landings serving an adjoining ramp run, gangway run, or stairway.

2. Edge protection shall not be required on the sides of gangway landings having a vertical drop-off of ½ inch (13 mm) maximum within 10 inches (255 mm) horizontally of the minimum landing area specified in V410.7.

V410.9.1 Extended Deck Surface. The deck surface of the gangway run or landing shall extend 12 inches (305 mm) minimum beyond the inside face of a handrail complying with V503.

V410.9.2 Curb or Barrier. A curb or barrier shall be provided that prevents the passage of a 4 inch (100 mm) diameter sphere, where any portion of the sphere is within 4 inches (100 mm) of the finish deck surface.

V410.10 Wet Conditions. Landings subject to wet conditions shall be designed to prevent the accumulation of water.

V411 Manually Powered Boarding Lifts

V411.1 General. Manually powered boarding lifts shall comply with V411.

V411.2 Design Load. The design load of the lift shall be at least 600 pounds (272 kg). Working parts, such as cables, pulleys, and shafts, which would be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

V411.3 Controls. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall require continuous manual pressure by the operators and an inherent design feature or other system shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence when the lift is occupied.

V411.4 Emergency Operation. The lift, when occupied, shall incorporate an emergency method of lowering.

V411.5 Equipment Failure. The lift, when occupied, shall have provisions to prevent it from falling any faster than 12 inches/second (305 mm/second) and dropping an occupant in the event of a single failure of any load carrying component.

V411.6 Platform Barriers. The lift platform shall be equipped with barriers to prevent any of the wheels of a wheelchair or mobility aid from rolling off the lift during its operation.

V411.7 Platform Surface and Size. The lift platform surface and size shall comply with V302, V303, and V305.

EXCEPTION: Where the lift platform is approached at the long side, the platform shall be permitted to be 56 inches (1420 mm) wide minimum.

V411.8 Platform Approaches. The approaches to the lift platform, or loading-edge barriers used as approaches, shall comply with V403 or V405. Transitions from adjacent deck and pier surfaces shall comply with V303.

EXCEPTIONS: 1. Ramped approaches to the lift platform shall be permitted to have running slopes not exceeding 1:8 if the rise of the ramps does not exceed 3 inches (75 mm).

2. Landings specified in V405.7 shall not be required between ramped approaches and the lift platform.

V411.9 Platform Deflection. The lift platform shall not deflect more than 3 degrees in any direction between its unloaded position and its position when loaded with 600 pounds (272 kg) applied through a 26 inch (660 mm) by 26 inch (660 mm) test pallet at the centroid of the lift platform.

V411.10 Boarding Direction. The lift shall permit both inboard and outboard facing of wheelchairs and mobility aids.

V411.11 Handrails. The platform on the lift shall be equipped with handrails on two sides, which move in tandem with the lift, and which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component 8 inches (205 mm) long minimum, and the top of the gripping surface shall be 30 inches (760 mm) minimum and 38 inches (965 mm) maximum above the platform. The handrails shall be capable of withstanding a force of 100 pounds (449 N) concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrails shall comply with V503.5 through V503.9.

CHAPTER V5: GENERAL PASSENGER VESSEL ELEMENTS

V501 General

V501.1 Scope. The provisions of Chapter 5 shall apply where required by Chapter 2 or where referenced by a requirement in this document.

V502 Pool Stairs

V502.1 General. Pool stairs shall comply with V502.

V502.2 Treads and Risers. All steps on pool stairs shall have uniform riser heights and uniform tread depths. Risers shall be 4 inches (100 mm) high minimum and 7 inches

(180 mm) high maximum. Treads shall be 11 inches (280 mm) deep minimum. Tread depth shall be measured from riser to riser.

EXCEPTION: Risers shall not be required to comply with V502.2 if riser heights are uniform.

V502.3 Closed Risers. Risers shall be closed.

V502.4 Tread Surface. Stair treads shall comply with V302. Changes in level are not permitted.

EXCEPTION: Treads shall be permitted to have a slope not steeper than 1:48.

V502.5 Nosings. The radius of curvature at the leading edge of the tread shall be ½ inch (13 mm) maximum. Nosings that project beyond risers shall have the underside of the leading edge curved or beveled. Risers shall be permitted to slope under the tread at an angle of 30 degrees maximum from vertical. The permitted projection of the nosing shall extend 1½ inches (38 mm) maximum over the tread below.

V502.6 Handrails. Pool stairs shall have handrails complying with V503.

V503 Handrails

V503.1 General. Handrails provided along walking surfaces complying with V403, at elevators complying with V407 or V408, and at platform lifts complying with V409, shall comply with V503. Handrails required at ramps complying with V405, gangways complying with V410, and pool stairs complying with V502, shall comply with V503.

V503.2 Where Required. Handrails shall be provided on both sides of pool stairs, gangways, and ramps.

EXCEPTION: In assembly areas, handrails shall not be required on both sides of aisle ramps where a handrail is provided at either side or within the aisle width.

V503.3 Continuity. Handrails shall be continuous within the full length of each set of pool stairs, gangway run, or ramp run. Inside handrails on switchback or dogleg ramps shall be continuous between flights or runs.

EXCEPTION: In assembly areas, handrails on ramps shall not be required to be continuous in aisles serving seating.

V503.4 Height. Top of gripping surfaces of handrails shall be 34 inches (865 mm) minimum and 38 inches (965 mm) maximum vertically above walking surfaces, stair nosings, gangway surfaces, and ramp surfaces. Handrails shall be at a consistent height above walking surfaces, stair nosings, gangway surfaces, and ramp surfaces.

EXCEPTION: Where the administrative authority requires handrails along walking surfaces with slopes not steeper than 1:20 to be located more than 38 inches (965 mm) above deck surfaces, the handrails shall not be required to comply with V503.4.

V503.5 Clearance. Clearance between handrail gripping surfaces and adjacent surfaces shall be 1½ inches (38 mm) minimum.

V503.6 Gripping Surface. Handrail gripping surfaces shall be continuous along their length and shall not be obstructed along their tops or sides. The bottoms of handrail gripping surfaces shall not be obstructed for more than 20 percent of their length. Where provided, horizontal projections shall occur 1½ inches (38 mm) minimum below the bottom of the handrail gripping surface.

EXCEPTIONS: 1. Where handrails are provided along walking surfaces with slopes not steeper than 1:20, the bottoms of handrail gripping surfaces shall be permitted to be obstructed along their entire length where they are integral to crash rails or bumper guards.

2. The distance between horizontal projections and the bottom of the gripping surface shall be permitted to be reduced by ⅛ inch (3.2 mm) for each ½ inch (13 mm) of additional handrail perimeter dimension that exceeds 4 inches (100 mm).

V503.7 Cross Section. Handrail gripping surfaces shall have a cross section complying with V503.7.1 or V503.7.2.

V503.7.1 Circular Cross Section. Handrail gripping surfaces with a circular cross section shall have an outside diameter of 1¼ inches (32 mm) minimum and 2 inches (51 mm) maximum.

V503.7.2 Non-Circular Cross Sections. Handrail gripping surfaces with a non-circular cross section shall have a perimeter dimension of 4 inches (100 mm) minimum and 6¼ inches (160 mm) maximum, and a cross-section dimension of 2¼ inches (57 mm) maximum.

V503.8 Surfaces. Handrail gripping surfaces and any surfaces adjacent to them shall be free of sharp or abrasive elements and shall have rounded edges.

V503.9 Fittings. Handrails shall not rotate within their fittings.

V503.10 Handrail Extensions. Handrail gripping surfaces shall extend beyond and in the same direction of pool stairs, gangway runs, and ramp runs in accordance with V503.10.

EXCEPTIONS: 1. Extensions shall not be required for continuous handrails at the inside turn of switchback or dogleg gangways, and ramps.

2. In assembly areas, extensions shall not be required for ramp handrails in aisles serving seating where the handrails are discontinuous to provide access to seating and to permit crossovers within aisles.

3. In alterations, full extensions of handrails shall not be required where such extensions would be hazardous due to plan configuration.

4. Where gangways and transition plates connect and are required to have handrails, handrail extensions shall not be required.

5. Where handrail extensions are provided on gangways or transition plates, extensions shall not be required to be horizontal to the landing surface.

V503.10.1 Top and Bottom Extension at Ramps and Gangways. Ramp and gangway handrails shall extend horizontally above the landing for 12 inches (305 mm) minimum beyond the top and bottom of ramp and gangway runs. Extensions shall return to a wall, guard, or the landing surface, or shall be continuous to the handrail of an adjacent ramp run.

V503.10.2 Top Extension at Pool Stairs. At the top of pool stairs, handrails shall extend horizontally above the landing for 12 inches (305 mm) minimum beginning directly above the first riser nosing. Extensions shall return to a wall, guard, or the landing surface.

CHAPTER V 6: PLUMBING ELEMENTS AND FACILITIES

V601 General

V601.1 Scope. The provisions of Chapter 6 shall apply where required by Chapter 2 or where referenced by a requirement in this document.

V602 Drinking Fountains

V602.1 General. Drinking fountains shall comply with V307 and V602.

V602.2 Clear Deck Space. Units shall have a clear deck space complying with V305 positioned for a forward approach and centered on the unit. Knee and toe clearance complying with V306 shall be provided.

EXCEPTION: A parallel approach complying with V305 shall be permitted at units for children's use where the spout is 30 inches (760 mm) maximum above the finish deck surface and is 3½ inches (90 mm) maximum from the front edge of the unit, including bumpers.

V602.3 Operable Parts. Operable parts shall comply with V309.

V602.4 Spout Height. Spout outlets shall be 36 inches (915 mm) maximum above the finish deck surface.

V602.5 Spout Location. The spout shall be located 15 inches (380 mm) minimum from the vertical support and 5 inches (125 mm) maximum from the front edge of the unit, including bumpers.

V602.6 Water Flow. The spout shall provide a flow of water 4 inches (100 mm) high minimum and shall be located 5 inches (125 mm) maximum from the front of the unit. The angle of the water stream shall be measured horizontally relative to the front face of the unit. Where spouts are located less than 3 inches (75 mm) of the front of the unit, the angle of the water stream shall be 30 degrees maximum. Where spouts are located between 3 inches (75 mm) and 5 inches (125 mm) maximum from the front of the unit, the angle of the water stream shall be 15 degrees maximum.

V602.7 Drinking Fountains for Standing Persons. Spout outlets of drinking fountains for standing persons shall be 38 inches (965 mm) minimum and 43 inches (1090 mm) maximum above the finish deck surface.

V603 Toilet and Bathing Rooms

V603. General. Toilet and bathing rooms shall comply with V603.

V603.2 Clearances. Clearances shall comply with V603.2.

V603.2.1 Turning Space. Turning space complying with V304 shall be provided within the room.

V603.2.2 Overlap. Required clear deck spaces, clearance at fixtures, and turning space shall be permitted to overlap.

V603.2.3 Door Swing. Doors shall not swing into the clear deck space or clearance required for any fixture. Doors shall be permitted to swing into the required turning space.

EXCEPTION: Where the toilet room or bathing room is for individual use and a clear deck space complying with V305.3 is provided within the room, beyond the arc of

the door swing, doors shall be permitted to swing into the clear deck space or clearance required for any fixture.

V603.3 Mirrors. Mirrors located above lavatories or countertops shall be installed with the bottom edge of the reflecting surface 40 inches (1015 mm) maximum above the finish deck surface. Mirrors not located above lavatories or countertops shall be installed with the bottom edge of the reflecting surface 35 inches (890 mm) maximum above the finish deck surface.

V603.4 Coat Hooks and Shelves. Coat hooks shall be located within one of the reach ranges specified in V308. Shelves shall be located 40 inches (1015 mm) minimum and 48 inches (1220 mm) maximum above the finish deck surface.

V604 Water Closets and Toilet Compartments (Stalls)

V604.1 General. Water closets and toilet compartments shall comply with V604.2 through V604.8.

EXCEPTION: Water closets and toilet compartments for children's use shall be permitted to comply with V604.9.

V604.2 Location. The water closet shall be positioned with a wall or partition to the rear and to one side. The centerline of the water closet shall be 16 inches (405 mm) minimum to 18 inches (455 mm) maximum from the side wall or partition, except that the water closet shall be 17 inches (430 mm) minimum and 19 inches (485 mm) maximum from the side wall or partition in the ambulatory accessible toilet compartment specified in V604.8.2. Water closets shall be arranged for a left-hand or right-hand approach.

V604.3 Clearance. Clearances around water closets and in toilet compartments shall comply with V604.3.

V604.3.1 Size. Clearance around a water closet shall be 60 inches (1525 mm) minimum measured perpendicular from the side wall and 56 inches (1420 mm) minimum measured perpendicular from the rear wall.

V604.3.2 Overlap. The required clearance around the water closet shall be permitted to overlap the water closet, associated grab bars, dispensers, sanitary napkin disposal units, coat hooks, shelves, accessible routes, clear deck spaces and clearances required at other fixtures, and the turning space. No other fixtures or obstructions shall be located within the required water closet clearance.

V604.4 Seats. The seat height of a water closet above the finish deck surface shall be 17 inches (430 mm) minimum and 19 inches (485 mm) maximum measured to the top of the seat. Seats shall not be sprung to return to a lifted position.

V604.5 Grab Bars. Grab bars for water closets shall comply with V609. Grab bars shall be provided on the side wall closest to the water closet and on the rear wall.

V604.5.1 Side Wall. The side wall grab bar shall be 42 inches (1065 mm) long minimum, located 12 inches (305 mm) maximum from the rear wall and extending 54 inches (1370 mm) minimum from the rear wall.

V604.5.2 Rear Wall. The rear wall grab bar shall be 36 inches (915 mm) long minimum and extend from the centerline of the water closet 12 inches (305 mm) minimum on one side and 24 inches (610 mm) minimum on the other side.

EXCEPTIONS: 1. The rear grab bar shall be permitted to be 24 inches (610 mm) long minimum, centered on the water closet, where wall space does not permit a length of 36 inches (915 mm) minimum due to the location of a recessed fixture adjacent to the water closet.

2. Where an administrative authority requires flush controls for flush valves to be located in a position that conflicts with the location of the rear grab bar, then the rear grab bar shall be permitted to be split or shifted to the open side of the toilet area.

V604.6 Flush Controls. Flush controls shall be hand operated or automatic. Hand operated flush controls shall comply with V309. Flush controls shall be located on the open side of the water closet, except in compartments with vacuum flush systems and in ambulatory accessible compartments complying with V604.8.2.

V604.7 Dispensers. Toilet paper dispensers shall comply with V309.4 and shall be 7 inches (180 mm) minimum and 9 inches (230 mm) maximum in front of the water closet measured to the centerline of the dispenser. The outlet of the dispenser shall be 15 inches (380 mm) minimum and 48 inches (1220 mm) maximum above the finish deck surface and shall not be located behind grab bars. Dispensers shall not be of a type that controls delivery or that does not allow continuous paper flow.

V604.8 Toilet Compartments. Wheelchair accessible toilet compartments shall meet the requirements of V604.8.1 and V604.8.3. Compartments containing more than one plumbing fixture shall comply with V603. Ambulatory accessible compartments shall comply with V604.8.2 and V604.8.3.

V604.8.1 Wheelchair Accessible Compartments. Wheelchair accessible compartments shall comply with V604.8.1.

V604.8.1.1 Size. Wheelchair accessible compartments shall be 60 inches (1525 mm) wide minimum measured perpendicular to the side wall, and 56 inches (1420 mm) deep minimum for wall hung water closets, and 59 inches (1500 mm) deep minimum for deck surface mounted water closets measured perpendicular to the rear wall. Wheelchair accessible compartments for children's use shall be 60 inches (1525 mm) wide minimum measured perpendicular to the side wall, and 59 inches (1500 mm) deep minimum for wall hung and deck surface mounted water closets measured perpendicular to the rear wall.

V604.8.1.2 Doors. Toilet compartment doors, including door hardware, shall comply with V404 except that if the approach is to the latch side of the compartment door, clearance between the door side of the compartment and any obstruction shall be 42 inches (1065 mm) minimum. Doors shall be located in the front partition or in the side wall or partition farthest from the water closet. Where located in the front partition, the door opening shall be 4 inches (100 mm) maximum from the side wall or partition farthest from the water closet. Where located in the side wall or partition, the door opening shall be 4 inches (100 mm) maximum from the front partition. The door shall be self-closing. A door pull complying with V404.2.7 shall be placed on both sides of the door near the latch. Toilet compartment doors shall not swing into the minimum required compartment area.

V604.8.1.3 Approach. Compartments shall be arranged for left-hand or right-hand approach to the water closet.

V604.8.1.4 Toe Clearance. The front partition and at least one side partition shall provide a toe clearance of 9 inches (230 mm) minimum above the finish deck surface and 6 inches (150 mm) deep minimum beyond the compartment-side face of the partition, exclusive of partition support members. Compartments for children's use shall provide a toe clearance of 12 inches (305 mm) minimum above the finish deck surface.

EXCEPTION: Toe clearance at the front partition shall not be required in a compartment greater than 62 inches (1575 mm) deep with a wall-hung water closet or 65 inches (1650 mm) deep with a deck-surface-mounted water closet. Toe clearance at the side partition shall not be required in a compartment greater than 66 inches (1675 mm) wide. Toe clearance at the front partition shall not be required in a compartment for children's use that is greater than 65 inches (1650 mm) deep.

V604.8.1.5 Grab Bars. Grab bars shall comply with V609. A side-wall grab bar complying with V604.5.1 shall be provided and shall be located on the wall closest to the water closet. In addition, a rear-wall grab bar complying with V604.5.2 shall be provided.

V604.8.2 Ambulatory Accessible Compartments. Ambulatory accessible compartments shall comply with V604.8.2.

V604.8.2.1 Size. Ambulatory accessible compartments shall have a depth of 60 inches (1525 mm) minimum and a width of 35 inches (890 mm) minimum and 37 inches (940 mm) maximum.

V604.8.2.2 Doors. Toilet compartment doors, including door hardware, shall comply with V404, except that if the approach is to the latch side of the compartment door, clearance between the door side of the compartment and any obstruction shall be 42 inches (1065 mm) minimum. The door shall be self-closing. A door pull complying with V404.2.7 shall be placed on both sides of the door near the latch. Toilet compartment doors shall not swing into the minimum required compartment area.

V604.8.2.3 Grab Bars. Grab bars shall comply with V609. A side-wall grab bar complying with V604.5.1 shall be provided on both sides of the compartment.

V604.8.3 Coat Hooks and Shelves. Coat hooks shall be located within one of the reach ranges specified in V308. Shelves shall be located 40 inches (1015 mm) minimum and 48 inches (1220 mm) maximum above the finish deck surface.

V604.9 Water Closets and Toilet Compartments for Children's Use. Water closets and toilet compartments for children's use shall comply with V604.9.

ADVISORY SPECIFICATIONS FOR WATER CLOSETS SERVING CHILDREN AGES 3 THROUGH 12

	Ages 3 and 4	Ages 5 through 8	Ages 9 through 12
Water Closet Centerline	12 inches (305 mm)	12 to 15 inches (305 to 380 mm)	15 to 18 inches (380 to 455 mm).
Toilet Seat Height	11 to 12 inches (280 to 305 mm)	12 to 15 inches (305 to 380 mm)	15 to 17 inches (380 to 430 mm).
Grab Bar Height	18 to 20 inches (455 to 510 mm)	20 to 25 inches (510 to 635 mm)	25 to 27 inches (635 to 685 mm).
Dispenser Height	14 inches (355 mm)	14 to 17 inches (355 to 430 mm)	17 to 19 inches (430 to 485 mm).

V604.9.1 Location. The water closet shall be located with a wall or partition to the rear and to one side. The centerline of the water closet shall be 12 inches (305 mm) minimum and 18 inches (455 mm) maximum from the side wall or partition, except that the water closet shall be 17 inches (430 mm) minimum and 19 inches (485 mm) maximum from the side wall or partition in the ambulatory accessible toilet compartment specified in V604.8.2. Compartments shall be arranged for left-hand or right-hand approach to the water closet.

V604.9.2 Clearance. Clearance around a water closet shall comply with V604.3.

V604.9.3 Height. The height of water closets shall be 11 inches (280 mm) minimum and 17 inches (430 mm) maximum measured to the top of the seat. Seats shall not be sprung to return to a lifted position.

V604.9.4 Grab Bars. Grab bars for water closets shall comply with V604.5.

V604.9.5 Flush Controls. Flush controls shall be hand operated or automatic. Hand operated flush controls shall comply with V309.2 and V309.4 and shall be installed 36 inches (915 mm) maximum above the finish deck surface. Flush controls shall be located on the open side of the water closet, except in compartments with vacuum flush systems and in ambulatory accessible compartments complying with V604.8.2.

V604.9.6 Dispensers. Toilet paper dispensers shall comply with V309.4 and shall be 7 inches (180 mm) minimum and 9 inches (230 mm) maximum in front of the water closet measured to the centerline of the dispenser. The outlet of the dispenser shall be 14 inches (355 mm) minimum and 19 inches (485 mm) maximum above the finish deck surface. There shall be a clearance of 1½ inches (38 mm) minimum below the grab bar. Dispensers shall not be of a type that controls delivery or that does not allow continuous paper flow.

V604.9.7 Toilet Compartments. Toilet compartments shall comply with V604.8.

V605 Urinals

V605.1 General. Urinals shall comply with V605.

V605.2 Height and Depth. Urinals shall be the stall-type or the wall-hung type with the rim 17 inches (430 mm) maximum above the finish deck surface. Urinals shall be 13½ inches (345 mm) deep minimum measured from the outer face of the urinal rim to the back of the fixture.

V605.3 Clear Deck Space. A clear deck space complying with V305 positioned for forward approach shall be provided.

V605.4 Flush Controls. Flush controls shall be hand operated or automatic. Hand operated flush controls shall comply with V309.

V606 Lavatories and Sinks

V606.1 General. Lavatories and sinks shall comply with V606.

V606.2 Clear Deck Space. A clear deck space complying with V305, positioned for a forward approach, and knee and toe clearance complying with V306 shall be provided.

EXCEPTIONS: 1. A parallel approach complying with V305 shall be permitted to a galley and pantry sink in a space where a cook top or conventional range is not provided and to wet bars.

2. A knee clearance of 24 inches (610 mm) minimum above the finish deck surface shall be permitted at lavatories and sinks used primarily by children 6 through 12 years where the rim or counter surface is 31 inches (785 mm) maximum above the finish deck surface.

3. A parallel approach complying with V305 shall be permitted to lavatories and sinks used primarily by children 5 years and younger.

4. The dip of the overflow shall not be considered in determining knee and toe clearances.

5. No more than one bowl of a multi-bowl sink shall be required to provide knee and toe clearance complying with V306.

V606.3 Height. Lavatories and sinks shall be installed with the front of the higher of the rim or counter surface 34 inches (865 mm) maximum above the finish deck surface.

V606.4 Faucets. Controls for faucets shall comply with V309. Hand-operated, metering faucets shall remain open for 10 seconds minimum.

V606.5 Exposed Pipes and Surfaces. Water supply and drain pipes under lavatories and sinks shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories and sinks.

V607 Bathtubs

V607.1 General. Bathtubs shall comply with V607.

V607.2 Clearance. Clearance in front of bathtubs shall extend the length of the bathtub and shall be 30 inches (760 mm) wide minimum. A lavatory complying with V606 shall be permitted at the control end of the clearance. Where a permanent seat is provided at the head end of the bathtub, the clearance shall extend 12 inches (305 mm) minimum beyond the wall at the head end of the bathtub.

V607.3 Seat. A permanent seat at the head end of the bathtub or a removable in-tub seat shall be provided. Seats shall comply with V610.

V607.4 Grab Bars. Grab bars for bathtubs shall comply with V609 and shall be provided in accordance with V607.4.1 or V607.4.2.

V607.4.1 Bathtubs With Permanent Seats. For bathtubs with permanent seats, grab bars shall be provided in accordance with V607.4.1.

V607.4.1.1 Back Wall. Two grab bars shall be installed on the back wall, one located in accordance with V609.4 and the other located 8 inches (205 mm) minimum and 10 inches (255 mm) maximum above the rim of the bathtub. Each grab bar shall be installed 15 inches (380 mm) maximum from the head end wall and 12 inches (305 mm) maximum from the control end wall.

V607.4.1.2 Control End Wall. A grab bar 24 inches (610 mm) long minimum shall be installed on the control end wall at the front edge of the bathtub.

V607.4.2 Bathtubs Without Permanent Seats. For bathtubs without permanent seats, grab bars shall comply with V607.4.2.

V607.4.2.1 Back Wall. Two grab bars shall be installed on the back wall, one located in accordance with V609.4 and the other located 8 inches (205 mm) minimum and 10 inches (255 mm) maximum above the rim of the bathtub. Each grab bar shall be 24 inches (610 mm) long minimum and shall be installed 24 inches (610 mm) maximum from the head end wall and 12 inches (305 mm) maximum from the control end wall.

V607.4.2.2 Control End Wall. A grab bar 24 inches (610 mm) long minimum shall be installed on the control end wall at the front edge of the bathtub.

V607.4.2.3 Head End Wall. A grab bar 12 inches (305 mm) long minimum shall be installed on the head end wall at the front edge of the bathtub.

V607.5 Controls. Controls, other than drain stoppers, shall be located on an end wall. Controls shall be between the bathtub rim and grab bar, and between the open side of the bathtub and the centerline of the width of the bathtub. Controls shall comply with V309.4.

V607.6 Shower Spray Unit and Water. A shower spray unit with a hose 59 inches (1500 mm) long minimum that can be used both as a fixed-position shower head and as a hand-held shower shall be provided. The shower spray unit shall have an on/off control with a non-positive shut-off. If an adjustable-height shower head on a vertical bar is used, the bar shall be installed so as not to obstruct the use of grab bars. Bathtub shower spray units shall deliver water that is 120 °F (49 °C) maximum.

V607.7 Bathtub Enclosures. Enclosures for bathtubs shall not obstruct controls, faucets, shower and spray units, or obstruct transfer from wheelchairs onto bathtub seats or into bathtubs. Enclosures on bathtubs shall not have tracks installed on the rim of the open face of the bathtub.

V608 Shower Compartments and Rinsing Showers

V608.1 General. Shower compartments and rinsing showers shall comply with V608.

V608.2 Size and Clearances for Shower Compartments and Rinsing Showers. Shower compartments and rinsing showers shall have sizes and clearances complying with V608.2.

V608.2.1 Transfer Type Shower Compartments. Transfer type shower compartments shall be 36 inches (915 mm) by 36 inches (915 mm) clear inside dimensions measured at the center points of opposing sides and shall have a 36 inch (915 mm) wide minimum entry on the face of the shower compartment. Clearance of 36 inches (915 mm) wide minimum by 48 inches (1220 mm) long minimum measured from the control wall shall be provided.

V608.2.2 Standard Roll-In Type Shower Compartments. Standard roll-in type shower compartments shall be 30 inches (760 mm) wide minimum by 60 inches (1525 mm) deep minimum clear inside dimensions measured at center points of opposing sides and shall have a 60 inches (1525 mm) wide minimum entry on the face of the shower compartment.

V608.2.2.1 Clearance. A 30 inch (760 mm) wide minimum by 60 inch (1525 mm) long minimum clearance shall be provided adjacent to the open face of the shower compartment.

EXCEPTION: A lavatory complying with V606 shall be permitted on one 30 inch (760 mm) wide minimum side of the clearance if it is not on the side of the clearance adjacent to the controls or, where provided, not on the side of the clearance adjacent to the shower seat.

V608.2.3 Alternate Roll-In Type Shower Compartments. Alternate roll-in type shower compartments shall be 36 inches (915 mm) wide and 60 inches (1525 mm) deep minimum clear inside dimensions measured at center points of opposing sides. A 36 inch (915 mm) wide minimum entry shall be provided at one end of the long side of the compartment.

V608.2.4 Rinsing Showers. At rinsing showers, a clear deck space 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum shall be provided. The shower head location shall be centered on one side of the clear deck space.

V608.3 Grab Bars. Grab bars shall comply with V609 and shall be provided in accordance with V608.3. Where multiple grab bars are used, required horizontal grab bars shall be installed at the same height above the finish deck surface.

V608.3.1 Transfer Type Shower Compartments. In transfer type compartments, grab bars shall be provided across the control wall and back wall to a point 18 inches (455 mm) from the control wall.

V608.3.2 Standard Roll-In Type Shower Compartments. Where a seat is provided in standard roll-in type shower compartments, grab bars shall be provided on the back wall and, if provided, on the side wall opposite the seat. Grab bars shall not be provided above the seat. Where a seat is not provided in standard roll-in type shower compartments, grab bars shall be provided on three walls. Grab bars shall be installed 6 inches (150 mm) maximum from adjacent walls.

V608.3.3 Alternate Roll-In Type Shower Compartments. In alternate roll-in type shower compartments, grab bars shall be provided on the back wall and the side wall farthest from the compartment entry. Grab bars shall not be provided above the seat. Grab bars shall be installed 6 inches (150 mm) maximum from adjacent walls.

V608.4 Seats. A folding or non-folding seat shall be provided in transfer type shower compartments. A folding seat shall be provided in roll-in type showers required in guest rooms with mobility features complying with V806.2. Seats shall comply with V610. Seats shall not be provided in rinsing showers unless the rinsing showers meet the criteria in V608 for transfer-type, standard roll-in type, or alternate roll-in type showers.

V608.5 Controls. In shower compartments, controls, faucets, and shower spray units shall comply with V309.4 and V608.5. In rinsing showers, controls, faucets, and shower spray units shall comply with V309.

V608.5.1 Transfer Type Shower Compartments. In transfer type shower compartments, the controls, faucets, and shower spray unit shall be installed on the side wall opposite the seat 38 inches (965 mm) minimum and 48 inches (1220 mm) maximum above the shower deck surface and shall be located on the control wall 15 inches (380 mm) maximum from the centerline of the seat toward the shower opening.

V608.5.2 Standard Roll-In Type Shower Compartments. In standard roll-in type shower compartments, the controls, faucets, and shower spray unit shall be located above the grab bar, but no higher than 48 inches (1220 mm) above the shower deck surface. Where a seat is provided, the controls, faucets, and shower spray unit shall be installed on the back wall adjacent to the seat wall and shall be located 27 inches (685 mm) maximum from the seat wall.

V608.5.3 Alternate Roll-In Type Shower Compartments. In alternate roll-in type shower compartments, the controls, faucets, and shower spray unit shall be located above the grab bar, but no higher than 48 inches (1220 mm) above the shower deck surface. Where a seat is provided, the controls, faucets, and shower spray unit shall be located on the side wall adjacent to the seat 27 inches (685 mm) maximum from the side wall behind the seat or shall be located on the back wall opposite the seat 15 inches (380 mm) maximum, left or right, of the centerline of the seat. Where a seat is not provided, the controls, faucets, and shower spray unit shall be installed on the side wall farthest from the compartment entry.

V608.6 Shower Spray Unit and Water. In shower compartments and rinsing showers, a shower spray unit with a hose 59 inches (1500 mm) long minimum that can be used both as a fixed-position shower head and as a hand-held shower shall be provided. The shower spray unit shall have an on/off control with a non-positive shut-off. If an adjustable-height shower head on a vertical bar is used, the bar shall be installed so as not to obstruct the use of grab bars. Shower spray units shall deliver water that is 120 °F (49 °C) maximum.

EXCEPTION: A fixed shower head located at 48 inches (1220 mm) maximum above the shower finish deck surface shall be permitted instead of a hand-held spray unit in facilities that are not medical care facilities or guest rooms.

V608.7 Thresholds. Thresholds in rinsing showers and roll-in type shower compartments shall be ½ inch (13 mm) high maximum in accordance with V303. In transfer type shower compartments, thresholds ½ inch (13 mm) high maximum shall be beveled, rounded, or vertical.

EXCEPTION: In alterations, a threshold 2 inches (51 mm) high maximum shall be permitted in transfer type shower compartments in existing vessels where provision of a½ inch (13 mm) high threshold would disturb the structural integrity of the deck surface.

V608.8 Shower Enclosures. Enclosures for shower compartments and rinsing showers shall not obstruct controls, faucets, shower spray units and, where provided, shower seats.

V609 Grab Bars

V609.1 General. Grab bars in toilet facilities and bathing facilities shall comply with V609.

V609.2 Cross Section. Grab bars shall have a cross section complying with V609.2.1 or V609.2.2.

V609.2.1 Circular Cross Section. Grab bars with circular cross sections shall have an outside diameter of 1¼ inches (32 mm) minimum and 2 inches (51 mm) maximum.

V609.2.2 Non-Circular Cross Section. Grab bars with non-circular cross sections shall have a cross-section dimension of 2 inches (51 mm) maximum and a perimeter dimension of 4 inches (100 mm) minimum and 4.8 inches (120 mm) maximum.

V609.3 Spacing. The space between the wall and the grab bar shall be 1½ inches (38 mm). At rinsing showers, if grab bars are installed on posts, the space between the post and grab bar shall be 1½ inches (38 mm). The space between the grab bar and projecting objects below and at the ends shall be 1½ inches (38 mm) minimum. The space between the grab bar and projecting objects above shall be 12 inches (305 mm) minimum.

EXCEPTION: The space between the grab bars and shower controls, shower fittings, and other grab bars above shall be permitted to be 1½ inches (38 mm) minimum.

V609.4 Position of Grab Bars. Grab bars shall be installed in a horizontal position, 33 inches (840 mm) minimum and 36 inches (915 mm) maximum above the finish deck surface measured to the top of the gripping surface, except that at water closets for children's use complying with V604.9, grab bars shall be installed in a horizontal position 18 inches (455 mm) minimum and 27 inches (685 mm) maximum above the finish deck surface measured to the top of the gripping surface. The height of the lower grab bar on the back wall of a bathtub shall comply with V607.4.1.1 or V607.4.2.1.

V609.5 Surface Hazards. Grab bars and any wall or other surfaces adjacent to grab

bars shall be free of sharp or abrasive elements and shall have rounded edges.

V609.6 Fittings. Grab bars shall not rotate within their fittings.

V609.7 Installation. Grab bars shall be installed in any manner that provides a gripping surface at the specified locations and that does not obstruct the required clear deck space.

V609.8 Structural Strength. Allowable stresses shall not be exceeded for materials used when a vertical or horizontal force of 250 pounds (1112 N) is applied at any point on the grab bar, fastener, mounting device, or supporting structure.

V610 Seats

V610.1 General. Seats in bathtubs and shower compartments shall comply with V610.

V610.2 Bathtub Seats. The top of bathtub seats shall be 17 inches (430 mm) minimum and 19 inches (485 mm) maximum above the bathroom finish deck surface. The depth of a removable in-tub seat shall be 15 inches (380 mm) minimum and 16 inches (405 mm) maximum. The seat shall be capable of secure placement. Permanent seats at the head end of the bathtub shall be 15 inches (380 mm) deep minimum and shall extend from the back wall to or beyond the outer edge of the bathtub.

V610.3 Shower Compartment Seats. Where a seat is provided in a standard roll-in shower compartment, it shall be a folding type, shall be installed on the side wall adjacent to the controls, and shall extend from the back wall to a point within 3 inches (75 mm) of the compartment entry. Where a seat is provided in an alternate roll-in type shower compartment, it shall be a folding type, shall be installed on the front wall opposite the back wall, and shall extend from the adjacent side wall to a point within 3 inches (75 mm) of the compartment entry. In transfer type showers, the seat shall extend from the back wall to a point within 3 inches (75 mm) of the compartment entry. The top of the seat shall be 17 inches (430 mm) minimum and 19 inches (485 mm) maximum above the bathroom finish deck surface. Seats shall comply with V610.3.1 or V610.3.2.

V610.3.1 Rectangular Seats. The rear edge of a rectangular seat shall be 2½ inches (64 mm) maximum and the front edge 15 inches (380 mm) minimum and 16 inches (405 mm) maximum from the seat wall. The side edge of the seat shall be 1½ inches (38 mm) maximum from the adjacent wall.

V610.3.2 L-Shaped Seats. The rear edge of an L-shaped seat shall be 2½ inches (64 mm) maximum and the front edge 15 inches (380 mm) minimum and 16 inches (405 mm) maximum from the seat wall. The rear edge of the ''L'' portion of the seat shall be 1½ inches (38 mm) maximum from the wall and the front edge shall be 14 inches (355 mm) minimum and 15 inches (380 mm) maximum from the wall. The end of the ''L'' shall be 22 inches (560 mm) minimum and 23 inches maximum (585 mm) from the main seat wall.

V610.4 Structural Strength. Allowable stresses shall not be exceeded for materials used when a vertical or horizontal force of 250 pounds (1112 N) is applied at any point on the seat, fastener, mounting device, or supporting structure.

V611 Washing Machines and Clothes Dryers

V611.1 General. Washing machines and clothes dryers shall comply with V611.

V611.2 Clear Deck Space. A clear deck space complying with V305 positioned for parallel approach shall be provided. The clear deck space shall be centered on the appliance.

V611.3 Operable Parts. Operable parts, including doors, lint screens, and detergent and bleach compartments shall comply with V309.

V611.4 Height. Top loading machines shall have the door to the laundry compartment located 36 inches (915 mm) maximum above the finish deck surface. Front loading machines shall have the bottom of the opening to the laundry compartment located 15 inches (380 mm) minimum and 36 inches (915 mm) maximum above the finish deck surface.

V612 Saunas and Steam Rooms

V612.1 General. Saunas and steam rooms shall comply with V612.

V612.2 Bench. Where seating is provided in saunas and steam rooms, at least one bench shall comply with V903. Doors shall not swing into the clear deck space required by V903.2.

EXCEPTION: A readily removable bench shall be permitted to obstruct the turning space required by V612.3 and the clear deck space required by V903.2.

V612.3 Turning Space. A turning space complying with V304 shall be provided within saunas and steam rooms.

CHAPTER V 7: COMMUNICATION ELEMENTS AND FEATURES

V701 General

V701.1 Scope. The provisions of Chapter 7 shall apply where required by Chapter 2 or where referenced by a requirement in this document.

V702 Notification Appliances

V702.1 General. Notification appliances in public areas shall comply with V702.

V702.2 U.S. Flag Passenger Vessels. U.S. flag passenger vessels shall provide visible notification appliances complying with section 18.5 of NFPA 72 (incorporated by reference, see ''Referenced Standards'' in Chapter 1). Visible notification appliances shall be activated upon activation of the passenger vessel general emergency alarm.

V703 Signs

V703.1 General. Signs shall comply with V703. Where both visual and tactile characters are required, either one sign with both visual and tactile characters, or two separate signs, one with visual, and one with tactile characters, shall be provided.

V703.2 Raised Characters. Raised characters shall comply with V703.2 and shall be duplicated in braille complying with V703.3. Raised characters shall be installed in accordance with V703.4.

V703.2.1 Depth. Raised characters shall be 1/32 inch (0.8 mm) minimum above their background.

V703.2.2 Case. Characters shall be uppercase.

V703.2.3 Style. Characters shall be sans serif. Characters shall not be italic, oblique, script, highly decorative, or of other unusual forms.

V703.2.4 Character Proportions. Characters shall be selected from fonts where the width of the uppercase letter ''O'' is 55 percent minimum and 110 percent maximum of the height of the uppercase letter ''I''.

V703.2.5 Character Height. Character height measured vertically from the baseline of the character shall be 5/8 inch (16 mm) minimum and 2 inches (51 mm) maximum based on the height of the uppercase letter ''I''.

EXCEPTION: Where separate raised and visual characters with the same information are provided, raised character height shall be permitted to be ½ inch (13 mm) minimum.

V703.2.6 Stroke Thickness. Stroke thickness of the uppercase letter ''I'' shall be 15 percent maximum of the height of the character.

V703.2.7 Character Spacing. Character spacing shall be measured between the two closest points of adjacent raised characters within a message, excluding word spaces. Where characters have rectangular cross sections, spacing between individual raised characters shall be 1/8 inch (3.2 mm) minimum and 4 times the raised character stroke width maximum. Where characters have other cross sections, spacing between individual raised characters shall be 1/16 inch (1.6 mm) minimum and 4 times the raised character stroke width maximum at the base of the cross sections, and 1/8 inch (3.2 mm) minimum and 4 times the raised character stroke width maximum at the top of the cross sections. Characters shall be separated from raised borders and decorative elements 3/8 inch (9.5 mm) minimum.

V703.2.8 Line Spacing. Spacing between the baselines of separate lines of raised characters within a message shall be 135 percent minimum and 170 percent maximum of the raised character height.

V703.3 Braille. Braille shall be contracted (Grade 2) and shall comply with V703.3 and V703.4.

V703.3.1 Dimensions and Capitalization. Braille dots shall have a domed or rounded shape and shall comply with Table V703.3.1. The indication of an uppercase letter or letters shall only be used before the first word of sentences, proper nouns and names, individual letters of the alphabet, initials, and acronyms.

TABLE V703.3.1—BRAILLE DIMENSIONS

Measurement range	Minimum in inches Maximum in inches
Dot base diameter	0.059 (1.5 mm) to 0.063 (1.6 mm).
Distance between two dots in the same cell [1]	0.090 (2.3 mm) to 0.100 (2.5 mm).
Distance between corresponding dots in adjacent cells [1]	0.241 (6.1 mm) to 0.300 (7.6 mm).
Dot height	0.025 (0.6 mm) to 0.037 (0.9 mm).
Distance between corresponding dots from one cell directly below [1]	0.395 (10 mm) to 0.400 (10.2 mm).

[1] measured center-to-center.

V703.3.2 Position. Braille shall be positioned below the corresponding text. If text is multi-lined, braille shall be placed below the entire text. Braille shall be separated 3/8 inch (9.5 mm) minimum from any other tactile characters and 3/8 inch (9.5 mm) minimum from raised borders and decorative elements.

EXCEPTION: Braille provided on elevator car controls shall be separated 3/16 inch (4.8 mm) minimum and shall be located either directly below or adjacent to the corresponding raised characters or symbols.

V703.4 Installation Height and Location. Signs with tactile characters shall comply with V703.4.

V703.4.1 Height Above Finish Deck Surface. Tactile characters on signs shall be located 48 inches (1220 mm) minimum above the finish deck surface, measured from the baseline of the lowest tactile character and 60 inches (1525 mm) maximum above the finish deck surface, measured from the baseline of the highest tactile character.

EXCEPTION: Tactile characters for elevator car controls shall not be required to comply with V703.4.1.

V703.4.2 Location. Where a tactile sign is provided at a door, the sign shall be located alongside the door at the latch side. Where a tactile sign is provided at double doors with one active leaf, the sign shall be located on the inactive leaf. Where a tactile sign is provided at double doors with two active leafs, the sign shall be located to the right of the right hand door. Where there is no wall space at the latch side of a single door or at the right side of double doors, signs shall be located on the nearest adjacent wall. Signs containing tactile characters shall be located so that a clear deck space of 18 inches (455 mm) minimum by 18 inches (455 mm) minimum, centered on the tactile characters, is provided beyond the arc of any door swing between the closed position and 45 degree open position.

EXCEPTION: Signs with tactile characters shall be permitted on the push side of doors with closers and without hold-open devices.

V703.5 Visual Characters. Visual characters shall comply with V703.5.

EXCEPTION: Where visual characters comply with V703.2 and are accompanied by braille complying with V703.3, they shall not be required to comply with V703.5.2 through V703.5.9.

V703.5.1 Finish and Contrast. Characters and their background shall have a non-glare finish. Characters shall contrast with their background with either light characters on a dark background or dark characters on a light background.

V703.5.2 Case. Characters shall be uppercase or lowercase or a combination of both.

V703.5.3 Style. Characters shall be conventional in form. Characters shall not be italic, oblique, script, highly decorative, or of other unusual forms.

V703.5.4 Character Proportions. Characters shall be selected from fonts where the width of the uppercase letter ''O'' is 55 percent minimum and 110 percent maximum of the height of the uppercase letter ''I''.

V703.5.5 Character Height. Minimum character height shall comply with Table V703.5.5. Viewing distance shall be measured as the horizontal distance between the character and an obstruction preventing further approach towards the sign. Character height shall be based on the uppercase letter ''I''.

TABLE V703.5.5—VISUAL CHARACTER HEIGHT

Height to finish deck surface from baseline of character	Horizontal viewing distance	Minimum character height
40 inches (1015 mm) to less than or equal to 70 inches (1780 mm).	Less than 72 inches (1830 mm)	5/8 inch (16 mm).
	72 inches (1830 mm) and greater	5/8 inch (16 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 72 inches (1830 mm).
Greater than 70 inches (1780 mm) to less than or equal to 120 inches (3050 mm).	Less than 180 inches (4570 mm)	2 inches (51 mm).
	180 inches (4570 mm) and greater	2 inches (51 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 180 inches (4570 mm).
Greater than 120 inches (3050 mm)	Less than 21 feet (6400 mm)	3 inches (75 mm).
	21 feet (6400 mm) and greater	3 inches (75 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 21 feet (6400 mm).

V703.5.6 Height From Finish Deck Surface. Visual characters shall be 40 inches (1015 mm) minimum above the finish deck surface.

EXCEPTIONS: 1. Visual characters indicating elevator car controls shall not be required to comply with V703.5.6.

2. Where the administrative authority requires signs to be mounted below 40 inches (1015 mm), V703.5.6 shall not apply.

V703.5.7 Stroke Thickness. Stroke thickness of the uppercase letter ''I'' shall be 10 percent minimum and 30 percent maximum of the height of the character.

V703.5.8 Character Spacing. Character spacing shall be measured between the two closest points of adjacent characters, excluding word spaces. Spacing between individual characters shall be 10 percent minimum and 35 percent maximum of character height.

V703.5.9 Line Spacing. Spacing between the baselines of separate lines of characters within a message shall be 135 percent minimum and 170 percent maximum of the character height.

V703.6 Pictograms. Pictograms shall comply with V703.6.

V703.6.1 Pictogram Field. Pictograms shall have a field height of 6 inches (150 mm) minimum. Characters and braille shall not be located in the pictogram field.

V703.6.2 Finish and Contrast. Pictograms and their field shall have a non-glare finish. Pictograms shall contrast with their field

with either a light pictogram on a dark field or a dark pictogram on a light field.

V703.6.3 Text Descriptors. Pictograms shall have text descriptors located directly below the pictogram field. Text descriptors shall comply with V703.2, V703.3 and V703.4.

V703.7 Symbols of Accessibility. Symbols of accessibility shall comply with V703.7.

V703.7.1 Finish and Contrast. Symbols of accessibility and their background shall have a non-glare finish. Symbols of accessibility shall contrast with their background with either a light symbol on a dark background or a dark symbol on a light background.

V703.7.2 Symbols.

V703.7.2.1 International Symbol of Accessibility. The International Symbol of Accessibility shall comply with Figure V703.7.2.1 at the end of this document.

V703.7.2.2 International Symbol of TTY. The International Symbol of TTY shall comply with Figure V703.7.2.2 at the end of this document.

V703.7.2.3 Assistive Listening Systems. Assistive listening systems shall be identified by the International Symbol of Access for Hearing Loss complying with Figure V703.7.2.3 at the end of this document.

V704 Telephones

V704.1 General. Public telephones shall comply with V704.

V704.2 Wheelchair Accessible Telephones. Wheelchair accessible telephones shall comply with V704.2.

V704.2.1 Clear Deck Space. A clear deck space complying with V305 shall be provided. The clear deck space shall not be obstructed by bases, enclosures, or seats.

V704.2.1.1 Parallel Approach. Where a parallel approach is provided, the distance from the edge of the telephone enclosure to the face of the telephone unit shall be 10 inches (255 mm) maximum.

V704.2.1.2 Forward Approach. Where a forward approach is provided, the distance from the front edge of a counter within the telephone enclosure to the face of the telephone unit shall be 20 inches (510 mm) maximum.

V704.2.2 Operable Parts. Operable parts shall comply with V309. Telephones shall have push-button controls where such service is available.

V704.2.3 Telephone Directories. Telephone directories, where provided, shall be located in accordance with V309.

V704.2.4 Cord Length. The cord from the telephone to the handset shall be 29 inches (735 mm) long minimum.

V704.3 Volume Control Telephones. Public telephones required to have volume controls shall be equipped with a receiver volume control that provides a gain adjustable up to 20 dB minimum. For incremental volume control, provide at least one intermediate step of 12 dB of gain minimum. An automatic reset shall be provided.

V704.4 TTYs. TTYs required at a public telephone shall be permanently affixed within, or adjacent to, the telephone enclosure. Where an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the TTY and the telephone receiver.

V704.4.1 Height. When in use, the touch surface of TTY keypads shall be 34 inches (865 mm) minimum above the finish deck surface.

EXCEPTION: Where seats are provided, V704.4.1 shall not apply.

V705 Two-Way Communication Systems

V705.1 General. Two-way communication systems shall comply with V705.

V705.2 Audible and Visual Indicators. The system shall provide both audible and visual signals.

V705.3 Handsets. Handset cords, if provided, shall be 29 inches (735 mm) long minimum.

V706 Assistive Listening Systems

V706.1 General. Assistive listening systems shall comply with V706.

V706.2 Receiver Jacks. Receivers required for use with an assistive listening system shall include a ⅛ inch (3.2 mm) standard mono jack.

V706.3 Receiver Hearing-Aid Compatibility. Receivers required to be hearing-aid compatible shall interface with telecoils in hearing aids through the provision of neck loops.

V706.4 Sound Pressure Level. Assistive listening systems shall be capable of providing a sound pressure level of 110 dB minimum and 118 dB maximum with a dynamic range on the volume control of 50 dB.

V706.5 Signal-to-Noise Ratio. The signal-to-noise ratio for internally generated noise in assistive listening systems shall be 18 dB minimum.

V706.6 Peak Clipping Level. Peak clipping shall not exceed 18 dB of clipping relative to the peaks of speech.

V707 Automatic Teller Machines and Fare Machines

V707.1 General. Automatic teller machines and fare machines shall comply with V707.

V707.2 Clear Deck Space. A clear deck space complying with V305 shall be provided.

V707.3 Operable Parts. Operable parts shall comply with V309. Unless a clear or correct key is provided, each operable part shall be able to be differentiated by sound or touch, without activation.

V707.4 Privacy. Automatic teller machines shall provide the opportunity for the same degree of privacy of input and output available to all individuals.

V707.5 Speech Output. Machines shall be speech enabled. Operating instructions and orientation, visible transaction prompts, user input verification, error messages, and all displayed information for full use shall be accessible to and independently usable by individuals with vision impairments. Speech shall be delivered through a mechanism that is readily available to all users, including but not limited to, an industry standard connector or a telephone handset. Speech shall be recorded or digitized human, or synthesized.

EXCEPTIONS: 1. Audible tones shall be permitted instead of speech for visible output that is not displayed for security purposes, including but not limited to, asterisks representing personal identification numbers.

2. Advertisements and other similar information shall not be required to be audible unless they convey information that can be used in the transaction being conducted.

3. Where speech synthesis cannot be supported, dynamic alphabetic output shall not be required to be audible.

V707.5.1 User Control. Speech shall be capable of being repeated or interrupted. Volume control shall be provided for the speech function.

EXCEPTION: Speech output for any single function shall be permitted to be automatically interrupted when a transaction is selected.

V707.5.2 Receipts. Where receipts are provided, speech output devices shall provide audible balance inquiry information, error messages, and all other information on the printed receipt necessary to complete or verify the transaction.

EXCEPTIONS: 1. Machine location, date and time of transaction, customer account number, and the machine identifier shall not be required to be audible.

2. Information on printed receipts that duplicates information available on-screen shall not be required to be presented in the form of an audible receipt.

3. Printed copies of bank statements and checks shall not be required to be audible.

V707.6 Input. Input devices shall comply with V707.6.

V707.6.1 Input Controls. At least one tactilely discernible input control shall be provided for each function. Where provided, key surfaces not on active areas of display screens, shall be raised above surrounding surfaces. Where membrane keys are the only method of input, each shall be tactilely discernible from surrounding surfaces and adjacent keys.

V707.6.2 Numeric Keys. Numeric keys shall be arranged in a 12-key ascending or descending telephone keypad layout. The number five key shall be tactilely distinct from the other keys.

V707.6.3 Function Keys. Function keys shall comply with V707.6.3.

V707.6.3.1 Contrast. Function keys shall contrast visually from background surfaces. Characters and symbols on key surfaces shall contrast visually from key surfaces. Visual contrast shall be either light-on-dark or dark-on-light.

EXCEPTION: Tactile symbols required by V707.6.3.2 shall not be required to comply with V707.6.3.1.

V707.6.3.2 Tactile Symbols. Function key surfaces shall have tactile symbols as follows: Enter or Proceed key: raised circle; Clear or Correct key: raised left arrow; Cancel key: raised letter ex; Add Value key: raised plus sign; Decrease Value key: raised minus sign.

V707.7 Display Screen. The display screen shall comply with V707.7.

V707.7.1 Visibility. The display screen shall be visible from a point located 40 inches (1015 mm) above the center of the clear deck space in front of the machine.

V707.7.2 Characters. Characters displayed on the screen shall be in a sans serif font. Characters shall be 3/16 inch (4.8 mm) high minimum based on the uppercase letter ''I''. Characters shall contrast with their background with either light characters on a dark background or dark characters on a light background.

V707.8 Braille Instructions. Braille instructions for initiating the speech mode shall be provided. Braille shall comply with V703.3.

CHAPTER V 8: SPECIAL ROOMS, SPACES, AND ELEMENTS

V801 General

V801.1 Scope. The provisions of Chapter 8 shall apply where required by Chapter 2 or where referenced by a requirement in this document.

V802 Wheelchair Spaces, Companion Seats, and Designated Aisle Seats

V802.1 Wheelchair Spaces. Wheelchair spaces shall comply with V802.1.

EXCEPTION: Where ferries permitted to carry 150 or fewer passengers provide only one transportation seating area that is less than 100 square feet (9.29 m^2), wheelchair spaces shall not be required to comply with V802.1.4 and V802.1.5.

V802.1.1 Deck Surface. The deck surface of wheelchair spaces shall comply with V302. Changes in level are not permitted.

EXCEPTION: Slopes not steeper than 1:48 shall be permitted.

V802.1.2 Width. A single wheelchair space shall be 36 inches (915 mm) wide minimum. Where two adjacent wheelchair spaces are provided, each wheelchair space shall be 33 inches (840 mm) wide minimum.

V802.1.3 Depth. Where a wheelchair space can be entered from the front or rear, the wheelchair space shall be 48 inches (1220 mm) deep minimum. Where a wheelchair space can be entered only from the side, the wheelchair space shall be 60 inches (1525 mm) deep minimum.

V802.1.4 Approach. Wheelchair spaces shall adjoin accessible routes. Accessible routes shall not overlap wheelchair spaces.

V802.1.5 Overlap. Wheelchair spaces shall not overlap accessible means of escape required by this document, and means of escape required by the administrative authority.

V802.1.6 Tables and Counters. Where wheelchair spaces are provided at tables or counters, the tables and counters shall comply with V902. The knee and toe clearance required by V902.2 shall extend the width of the wheelchair space.

V802.2 Lines of Sight. Lines of sight to the screen, or performance area, for spectators in wheelchair spaces shall comply with V802.2.

V802.2.1 Lines of Sight Over Seated Spectators. Where spectators are expected to remain seated during events, spectators in wheelchair spaces shall be afforded lines of sight complying with V802.2.1.

V802.2.1.1 Lines of Sight Over Heads. Where spectators are provided lines of sight over the heads of spectators seated in the first row in front of their seats, spectators seated in wheelchair spaces shall be afforded lines of sight over the heads of seated spectators in the first row in front of wheelchair spaces.

V802.2.1.2 Lines of Sight Between Heads. Where spectators are provided lines of sight over the shoulders and between the heads of spectators seated in the first row in front of their seats, spectators seated in wheelchair spaces shall be afforded lines of sight over the shoulders and between the heads of seated spectators in the first row in front of wheelchair spaces.

V802.2.2 Lines of Sight Over Standing Spectators. Where spectators are expected to stand during events, spectators in wheelchair spaces shall be afforded lines of sight complying with V802.2.2.

V802.2.2.1 Lines of Sight Over Heads. Where standing spectators are provided lines of sight over the heads of spectators standing in the first row in front of their seats, spectators seated in wheelchair spaces shall be afforded lines of sight over the heads of standing spectators in the first row in front of wheelchair spaces.

V802.2.2.2 Lines of Sight Between Heads. Where standing spectators are provided lines of sight over the shoulders and between the heads of spectators standing in the first row in front of their seats, spectators seated in wheelchair spaces shall be afforded lines of sight over the shoulders and between the heads of standing spectators in the first row in front of wheelchair spaces.

V802.3 Companion Seats. Companion seats shall comply with V802.3.

V802.3.1 Alignment. Companion seats shall be located to provide shoulder alignment with adjacent wheelchair spaces. The shoulder alignment point of the wheelchair space shall be measured 36 inches (915 mm) from the front of the wheelchair space. The deck surface of the companion seat shall be at the same elevation as the deck surface of the wheelchair space.

EXCEPTIONS: 1. Where seats in the assembly area are not arranged to provide lines of sight to fixed screens or performance areas, companion seats shall not be required to provide shoulder alignment with adjacent wheelchair spaces.

2. Companion seats at tables and counters shall not be required to provide shoulder alignment with adjacent wheelchair spaces.

V802.3.2 Type. Companion seats shall be equivalent in size, quality, comfort, and amenities to the seating in the immediate area. Companion seats shall be permitted to be movable.

V802.4 Designated Aisle Seats. Designated aisle seats shall comply with V802.4.

V802.4.1 Armrests. Where armrests are provided on the seating in the immediate area, folding or retractable armrests shall be provided on the aisle side of the seat.

V802.4.2 Identification. Each designated aisle seat shall be identified by a sign or marker.

V803 Dressing, Fitting, and Locker Rooms

V803.1 General. Dressing, fitting, and locker rooms shall comply with V803.

V803.2 Turning Space. Turning space complying with V304 shall be provided within the room.

V803.3 Door Swing. Doors shall not swing into the room unless a clear deck space complying with V305.3 is provided, beyond the arc of the door swing.

V803.4 Benches. A bench complying with V903 shall be provided within the room.

V803.5 Coat Hooks and Shelves. Coat hooks provided within the room shall be located within one of the reach ranges specified in V308. Shelves shall be 40 inches (1015 mm) minimum and 48 inches (1220 mm) maximum above the finish deck surface.

V804 Galleys and Pantries

V804.1 General. Galleys and pantries shall comply with V804.

V804.2 Clearance. Where a pass through galley is provided, clearances shall comply with V804.2.1. Where a U-shaped galley is provided, clearances shall comply with V804.2.2.

EXCEPTION: Spaces that do not provide a cooktop or conventional range shall not be required to comply with V804.2.

V804.2.1 Pass Through Galleys. In pass through galleys where counters, appliances, or cabinets are on two opposing sides, or where counters, appliances, or cabinets are opposite a parallel wall, clearance between all opposing base cabinets, counter tops, appliances, or walls within galley work areas shall be 40 inches (1015 mm) minimum. Pass through galleys shall have two entries.

V804.2.2 U-Shaped Galleys. In U-shaped galleys enclosed on three contiguous sides, clearance between all opposing base cabinets, counter tops, appliances, or walls within galley work areas shall be 60 inches (1525 mm) minimum.

V804.3 Sinks. Sinks shall comply with V606.

V804.4 Storage. At least 50 percent of shelf space in storage facilities shall comply with V807.

V804.5 Appliances. Where provided, galley appliances shall comply with V804.5.

V804.5.1 Clear Deck Space. A clear deck space complying with V305 shall be provided at each galley appliance. Clear deck spaces shall be permitted to overlap.

V804.5.2 Operable Parts. All appliance controls shall comply with V309.

EXCEPTIONS: 1. Appliance doors and door latching devices shall not be required to comply with V309.4.

2. Bottom-hinged appliance doors, when in the open position, shall not be required to comply with V309.3.

V804.5.3 Dishwasher. Clear deck space shall be positioned adjacent to the dishwasher door. The dishwasher door, in the open position, shall not obstruct the clear deck space for the dishwasher or the sink.

V804.5.4 Range or Cooktop. Where a forward approach is provided, the clear deck space shall provide knee and toe clearance complying with V306. Where knee and toe space is provided, the underside of the range or cooktop shall be insulated or otherwise configured to prevent burns, abrasions, or electrical shock. The location of controls shall not require reaching across burners.

V804.5.5 Oven. Ovens shall have controls on front panels.

V804.5.6 Refrigerator/Freezer. Combination refrigerators and freezers shall have at least 50 percent of the freezer space 54 inches (1370 mm) maximum above the

finish deck surface. The clear deck space shall be positioned for a parallel approach to the space dedicated to a refrigerator/freezer with the centerline of the clear deck space offset 24 inches (610 mm) maximum from the centerline of the dedicated space.

V805 Medical Care Facilities

V805.1 General. Medical care facility patient sleeping rooms required to provide mobility features shall comply with V805.

V805.2 Turning Space. Turning space complying with V304 shall be provided within the room.

V805.3 Clear Deck Space. A clear deck space complying with V305 shall be provided on each side of the bed. The clear deck space shall be positioned for a parallel approach to the side of the bed.

V805.4 Toilet and Bathing Rooms. Toilet and bathing rooms that are provided as part of a patient sleeping room shall comply with V603. Where provided, no fewer than one water closet, one lavatory, and one bathtub or shower shall comply with the applicable requirements of V603 through V610.

V806 Passenger Guest Rooms

V806.1 General. Guest rooms shall comply with V806. Guest rooms required to provide mobility features shall comply with V806.2. Guest rooms required to provide communication features shall comply with V806.3.

V806.2 Guest Rooms with Mobility Features. Guest rooms required to provide mobility features shall comply with V806.2.

V806.2.1 Living and Dining Areas. Living and dining areas shall be accessible.

V806.2.2 Exterior Spaces. Exterior spaces, including patios, terraces and balconies that serve the guest room shall be accessible.

V806.2.3 Sleeping Areas. At least one sleeping area shall be accessible and shall provide a clear deck space complying with V305 on both sides of a bed. The clear deck space shall be positioned for parallel approach to the side of the bed.

EXCEPTION: Where a single clear deck space complying with V305 positioned for parallel approach is provided between two beds, a clear deck space shall not be required on both sides of a bed.

V806.2.4 Toilet and Bathing Facilities. At least one bathroom that is provided as part of a guest room shall comply with V603. No fewer than one water closet, one lavatory, and one bathtub or shower shall comply with applicable requirements of V603 through V610. In addition, required roll-in shower compartments shall comply with V608.2.2 or V608.2.3. Toilet and bathing fixtures required to comply with V603 through V610 shall be permitted to be located in more than one toilet or bathing area, if travel between fixtures does not require travel between other parts of the guest room.

V806.2.4.1 Vanity Counter Top Space. If vanity counter top space is provided in non-accessible guest toilet or bathing rooms, comparable vanity counter top space in terms of size and proximity to the lavatory, shall also be provided in accessible guest toilet or bathing rooms.

EXCEPTION: Shelving shall be permitted to be used to provide the comparable counter top space.

V806.2.5 Galleys and Pantries. Galleys and pantries shall comply with V804.

V806.2.6 Turning Space. Turning space complying with V304 shall be provided within the guest room.

V806.2.7 Doors to Adjacent Guest Rooms. Where provided, doors that connect adjacent guest rooms shall comply with V404.

EXCEPTION: Where the adjacent guest room is not required to comply with V806.2, the side of the door in the adjacent guest room shall not be required to comply with V404.2.4.

V806.2.8 Windows. Where glass and other glazed openings are provided for operation by passengers, at least one opening shall comply with V309.

V806.3 Guest Rooms with Communication Features. Guest rooms required to provide communication features shall comply with V806.3.

V806.3.1 General Emergency Alarm. Where general emergency alarms are provided in passenger vessels, visible notification appliances complying with V806.3.3 shall be provided in the guest rooms to alert passengers of the general emergency alarms. The visible notification appliances shall not be used for any other purpose.

V806.3.2 Smoke Alarm. Where smoke alarms are provided in guest rooms, visible notification appliances complying with V806.3.3 shall be provided in the guest rooms to alert passengers of smoke alarms. Such visible notification appliances shall not be used for any other purpose.

V806.3.3 Visible Notification Appliances. Visible notification appliances shall comply with V806.3.3.

EXCEPTION: In alterations, existing passenger vessels shall not be required to comply with V806.3.3 unless an existing alarm system is upgraded or replaced, or a new alarm system is installed.

V806.3.3.1 U.S. Flag Passenger Vessels. U.S. flag passenger vessels shall provide visible notification appliances complying with applicable sections in 18.5 of NFPA 72 (incorporated by reference, see ''Referenced Standards'' in Chapter 1).

V806.3.3.2 General Alarm Activation. Visible notification appliances provided in guest rooms for the general emergency alarm systems shall be activated upon activation of the passenger vessel general emergency alarm.

V806.3.3.3 Smoke Detector Activation. Visible notification appliances provided in guest rooms for smoke detectors shall be activated upon activation of the smoke detectors.

V806.3.4 Visible Devices. Visible devices shall be provided to alert room occupants of incoming telephone calls and a door knock or bell. Visible devices shall not be connected to visible notification appliances required by V806.3.1 and V806.3.2. Telephones shall have volume controls compatible with the telephone system and shall comply with V704.3. Telephones shall be served by an electrical outlet complying with V309 located within 48 inches (1220 mm) of the telephone to facilitate the use of a TTY.

V807 Storage

V807.1 General. Storage shall comply with V807.

V807.2 Clear Deck Space. A clear deck space complying with V305 shall be provided.

V807.3 Height. Storage elements shall comply with at least one of the reach ranges specified in V308.

V807.4 Operable Parts. Operable parts shall comply with V309.

CHAPTER V 9: BUILT–IN ELEMENTS

V901 General

V901.1 Scope. The provisions of Chapter 9 shall apply where required by Chapter 2 or where referenced by a requirement in this document.

V902 Tables and Counters

V902.1 General. Tables and counters shall comply with V902.2 and V902.3.

EXCEPTION: Tables and counters for children's use shall be permitted to comply with V902.4.

V902.2 Clear Deck Space. A clear deck space complying with V305 positioned for a forward approach shall be provided. Knee and toe clearance complying with V306 shall be provided.

EXCEPTIONS: 1. Where raised seating surfaces are provided at tables or counters and the tops of the tables or counters are 15 inches (380 mm) minimum and 17 inches (430 mm) maximum above the finish deck surface, clear deck spaces shall be permitted to be positioned for parallel approaches.

2. Where the top of tables or counters is 10 inches (255 mm) maximum deep, clear deck spaces shall be permitted to be positioned for parallel approaches.

V902.3 Height. The tops of tables and counters shall be 28 inches (710 mm) minimum and 34 inches (865 mm) maximum above the finish deck surface.

EXCEPTION: The top of tables and counters shall be permitted to be 15 inches (380 mm) minimum and 17 inches (430 mm) maximum above the finish deck surface where the clear deck spaces are allowed by V902.2 to be positioned for parallel approaches.

V902.4 Tables and Counters for Children's Use. Accessible tables and counters for children's use shall comply with V902.4.

EXCEPTION: Tables and counters that are used primarily by children, 5 years and younger, shall not be required to comply with V902.4 where a clear deck space complying with V305 positioned for a parallel approach is provided.

V902.4.1 Clear Deck Space. A clear deck space complying with V305 positioned for a forward approach shall be provided. Knee and toe clearance complying with V306 shall be provided, except that knee clearance 24 inches (610 mm) minimum above the finish deck surface shall be permitted.

V902.4.2 Height. The tops of tables and counters shall be 26 inches (660 mm) minimum and 30 inches (760 mm) maximum above the finish deck surface.

V903 Benches

V903.1 General. Benches shall comply with V903.

V903.2 Clear Deck Space. Clear deck space complying with V305 shall be provided and shall be positioned at the end of the bench seat and parallel to the short axis of the bench.

V903.3 Size. Benches shall have seats that are 42 inches (1065 mm) long minimum and 20 inches (510 mm) deep minimum and 24 inches (610 mm) deep maximum.

V903.4 Back Support. The bench shall provide for back support or shall be affixed to a wall. Back support shall be 42 inches (1065 mm) long minimum and shall extend from a point 2 inches (51 mm) maximum above the seat surface to a point 18 inches (455 mm) minimum above the seat surface. Back support shall be 2½ inches (64 mm) maximum from the rear edge of the seat measured horizontally.

V903.5 Height. The top of the bench seat surface shall be 17 inches (430 mm) minimum and 19 inches (485 mm) maximum above the finish deck surface.

V903.6 Structural Strength. Allowable stresses shall not be exceeded for materials used when a vertical or horizontal force of 250 pounds (1112 N) is applied at any point on the seat, fastener, mounting device, or supporting structure.

V903.7 Wet Locations. Where installed in wet locations, the surface of the seat shall be slip resistant and shall not accumulate water.

V904 Sales and Service Counters

V904.1 General. Check-out aisles and sales and service counters shall comply with the applicable requirements of V904.

V904.2 Approach. All portions of counters required to comply with V904 shall be located adjacent to a walking surface complying with V403.

V904.3 Check-Out Aisles. Check-out aisles shall comply with V904.3.

V904.3.1 Aisle. Aisles shall comply with V403.

V904.3.2 Counter. The counter surface height shall be 38 inches (965 mm) maximum above the finish deck surface. The top of the counter edge protection shall be 2 inches (51 mm) maximum above the top of the counter surface on the aisle side of the check-out counter.

V904.3.3 Check Writing Surfaces. Where provided, check writing surfaces shall comply with V902.3.

V904.4 Sales and Service Counters. Sales counters and service counters shall comply with V904.4.1 or V904.4.2. The accessible portion of the counter top shall extend the same depth as the sales or service counter top.

EXCEPTION: In alterations, when the provision of a counter complying with V904.4 would result in a reduction of the number of existing counters at work stations or a reduction of the number of existing mail boxes, the counter shall be permitted to have a portion which is 24 inches (610 mm) long minimum complying with V904.4.1 provided that the required clear deck space is centered on the accessible length of the counter.

V904.4.1 Parallel Approach. A portion of the counter surface that is 36 inches (915 mm) long minimum and 36 inches (915 mm) high maximum above the finish deck surface shall be provided. A clear deck space complying with V305 shall be positioned for a parallel approach adjacent to the 36 inch (915 mm) minimum length of counter.

EXCEPTION: Where the provided counter surface is less than 36 inches (915 mm) long, the entire counter surface shall be 36 inches (915 mm) high maximum above the finish deck surface.

V904.4.2 Forward Approach. A portion of the counter surface that is 30 inches (760 mm) long minimum by 36 inches (915 mm) high maximum shall be provided. Knee and toe space complying with V306 shall be provided under the counter. A clear deck space complying with V305 shall be positioned for a forward approach to the counter.

V904.5 Food Service Lines. Counters in food service lines shall comply with V904.5.

V904.5.1 Self-Service Shelves and Dispensing Devices. Self-service shelves and dispensing devices for tableware, dishware, condiments, food, and beverages shall comply with V308.

V904.5.2 Tray Slides. The tops of tray slides shall be 28 inches (710 mm) minimum and 34 inches (865 mm) maximum above the finish deck surface.

V904.6 Security Glazing. Where counters or teller windows have security glazing to separate employees from the passengers, a method to facilitate voice communication shall be provided. Telephone handset devices, if provided, shall comply with V704.3.

CHAPTER V 10: RECREATION FACILITIES

V1001 General

V1001.1 Scope. The provisions of Chapter 10 shall apply where required by Chapter 2 or where referenced by a requirement in this document.

V1002 Exercise Machines and Equipment

V1002.1 Clear Deck Space. Exercise machines and equipment shall have a clear deck space complying with V305 positioned for transfer or for use by an individual seated in a wheelchair. Clear deck spaces required at exercise machines and equipment shall be permitted to overlap.

V1003 Miniature Golf Facilities

V1003.1 General. Miniature golf facilities shall comply with V1003.

V1003.2 Accessible Routes. Accessible routes serving holes on miniature golf courses shall comply with V402. Accessible routes located on playing surfaces of miniature golf holes shall be permitted to use the exceptions in V1003.2.

EXCEPTIONS: 1. Playing surfaces shall not be required to comply with V302.2.

2. Where accessible routes intersect playing surfaces of holes, a 1 inch (25 mm) maximum curb shall be permitted for a width of 32 inches (815 mm) minimum.

3. A slope not steeper than 1:4 for a 4 inch (100 mm) maximum rise shall be permitted.

4. Ramp landing slopes specified by V405.7.1 shall be permitted to be 1:20 maximum.

5. Ramp landing length specified by V405.7.3 shall be permitted to be 48 inches (1220 mm) long minimum.

6. Ramp landing size specified by V405.7.4 shall be permitted to be 48 inches (1220 mm) minimum by 60 inches (1525 mm) minimum.

7. Handrails shall not be required on holes. Where handrails are provided on holes, the handrails shall not be required to comply with V503.

V1003.3 Miniature Golf Holes. Miniature golf holes shall comply with V1003.3.

V1003.3.1 Start of Play. A clear deck space 48 inches (1220 mm) minimum by 60 inches (1525 mm) minimum with slopes not steeper than 1:48 shall be provided at the start of play.

V1003.3.2 Golf Club Reach Range Area. All areas within holes where golf balls rest shall be within 36 inches (915 mm) maximum of a clear deck space 48 inches (1220 mm) long minimum and 36 inches (915 mm) wide minimum having a running slope not steeper than 1:20. The clear deck space shall be served by an accessible route.

V1004 Play Areas

V1004.1 General. Play areas shall comply with V1004.

V1004.2 Accessible Routes. Accessible routes serving play areas shall comply with V402 and V1004.2 and shall be permitted to use the exceptions in V1004.2.1 through V1004.2.3. Where accessible routes serve ground level play components, the vertical clearance shall be 80 inches high (2030 mm) minimum.

V1004.2.1 Ground Level and Elevated Play Components. Accessible routes serving ground level play components and elevated play components shall be permitted to use the exceptions in V1004.2.1.

EXCEPTIONS: 1. Transfer systems complying with V1004.3 shall be permitted to connect elevated play components except where 20 or more elevated play components are provided no more than 25 percent of the elevated play components shall be permitted to be connected by transfer systems.

2. Where transfer systems are provided, an elevated play component shall be permitted to connect to another elevated play component as part of an accessible route.

V1004.2.2 Soft Contained Play Structures. Accessible routes serving soft contained play structures shall be permitted to use the exception in V1004.2.2.

EXCEPTION: Transfer systems complying with V1004.3 shall be permitted to be used as part of an accessible route.

V1004.2.3 Water Play Components. Accessible routes serving water play components shall be permitted to use the exceptions in V1004.2.3.

EXCEPTIONS: 1. Where the surface of the accessible route, clear deck spaces, or turning spaces serving water play components is submerged, compliance with V302, V403.3, V405.2, V405.3, and V1004.2.6 shall not be required.

2. Transfer systems complying with V1004.3 shall be permitted to connect elevated play components in water.

V1004.2.4 Clear Width. Accessible routes connecting play components shall provide a clear width complying with V1004.2.4.

V1004.2.4.1 Ground Level. At ground level, the clear width of accessible routes shall be 60 inches (1525 mm) minimum.

EXCEPTIONS: 1. In play areas less than 1000 square feet (92 m^2), the clear width of accessible routes shall be permitted to be 44 inches (1120 mm) minimum provided that at least one turning space complying with V304.3 is provided where the restricted accessible route exceeds 30 feet (9.14 m) in length.

2. The clear width of accessible routes shall be permitted to be 36 inches (915 mm) minimum for a distance of 60 inches (1525 mm) maximum provided that multiple reduced width segments are separated by segments that are 60 inches (1525 mm) wide minimum and 60 inches (1525 mm) long minimum.

V1004.2.4.2 Elevated. The clear width of accessible routes connecting elevated play components shall be 36 inches (915 mm) minimum.

EXCEPTIONS: 1. The clear width of accessible routes connecting elevated play components shall be permitted to be reduced to 32 inches (815 mm) minimum for a distance of 24 inches (610 mm) maximum if reduced width segments are separated by segments that are 48 inches (1220 mm) long minimum and 36 inches (915 mm) wide minimum.

2. The clear width of transfer systems connecting elevated play components shall be permitted to be 24 inches (610 mm) minimum.

V1004.2.5 Ramps. Within play areas, ramps connecting ground level play components and ramps connecting elevated play components shall comply with V1004.2.5.

V1004.2.5.1 Ground Level. Ramp runs connecting ground level play components shall have a running slope not steeper than 1:16.

V1004.2.5.2 Elevated. The rise for any ramp run connecting elevated play components shall be 12 inches (305 mm) maximum.

V1004.2.5.3 Handrails. Where required on ramps serving play components, the handrails shall comply with V503, except as modified by V1004.2.5.3.

EXCEPTIONS: 1. Handrails shall not be required on ramps located within ground level use zones.

2. Handrail extensions shall not be required.

V1004.2.5.3.1 Handrail Gripping Surfaces. Handrail gripping surfaces with a circular cross section shall have an outside diameter of 0.95 inches (24 mm) minimum and 1.55 inches (39 mm) maximum. Where the shape of the gripping surface is non-circular, the handrail shall provide an equivalent gripping surface.

V1004.2.5.3.2 Handrail Height. The top of handrail gripping surfaces shall be 20 inches (510 mm) minimum and 28 inches (710 mm) maximum above the ramp surface.

V1004.2.6 Ground Surfaces. Deck surfaces on accessible routes, clear deck spaces, and turning spaces shall comply with V1004.2.6.

V1004.2.6.1 Accessibility. Deck surfaces shall comply with ASTM F1951 (incorporated by reference, see ''Referenced Standards'' in Chapter 1). Ground surfaces shall be inspected and maintained regularly and frequently to ensure continued compliance with ASTM F1951.

V1004.2.6.2 Use Zones. Deck surfaces located within use zones shall comply with ASTM F1292 (1999 edition or 2004 edition) (incorporated by reference, see ''Referenced Standards'' in Chapter 1).

V1004.3 Transfer Systems. Where transfer systems are provided to connect to elevated play components, transfer systems shall comply with V1004.3.

V1004.3.1 Transfer Platforms. Transfer platforms shall be provided where transfer is intended from wheelchairs or other mobility aids. Transfer platforms shall comply with V1004.3.1.

V1004.3.1.1 Size. Transfer platforms shall have level surfaces 14 inches (355 mm) deep minimum and 24 inches (610 mm) wide minimum.

V1004.3.1.2 Height. The height of transfer platforms shall be 11 inches (280 mm) minimum and 18 inches (455 mm) maximum measured to the top of the surface from the deck surface.

V1004.3.1.3 Transfer Space. A transfer space complying with V305.2 and V305.3 shall be provided adjacent to the transfer platform. The 48 inch (1220 mm) long minimum dimension of the transfer space shall be centered on and parallel to the 24 inch (610 mm) long minimum side of the transfer platform. The side of the transfer platform serving the transfer space shall be unobstructed.

V1004.3.1.4 Transfer Supports. At least one means of support for transferring shall be provided.

V1004.3.2 Transfer Steps. Transfer steps shall be provided where movement is intended from transfer platforms to levels with elevated play components required to be on accessible routes. Transfer steps shall comply with V1004.3.2.

V1004.3.2.1 Size. Transfer steps shall have level surfaces 14 inches (355 mm) deep minimum and 24 inches (610 mm) wide minimum.

V1004.3.2.2 Height. Each transfer step shall be 8 inches (205 mm) high maximum.

V1004.3.2.3 Transfer Supports. At least one means of support for transferring shall be provided.

V1004.4 Play Components. Ground level play components on accessible routes and elevated play components connected by ramps shall comply with V1004.4.

V1004.4.1 Turning Space. At least one turning space complying with V304 shall be provided on the same level as play components. Where swings are provided, the turning space shall be located immediately adjacent to the swing.

V1004.4.2 Clear Deck Space. Clear deck space complying with V305.2 and V305.3 shall be provided at play components.

V1004.4.3 Play Tables. Where play tables are provided, knee clearance 24 inches (610 mm) high minimum, 17 inches deep (430 mm) minimum, and 30 inches (760 mm) wide minimum shall be provided. The tops of rims, curbs, or other obstructions shall be 31 inches (785 mm) high maximum.

EXCEPTION: Play tables designed and constructed primarily for children 5 years and younger shall not be required to provide knee clearance where the clear deck space required by V1004.4.2 is arranged for a parallel approach.

V1004.4.4 Entry Points and Seats. Where play components require transfer to entry points or seats, the entry points or seats shall be 11 inches (280 mm) minimum and 24 inches (610 mm) maximum from the clear deck space.

EXCEPTION: Entry points of slides shall not be required to comply with V1004.4.4.

V1004.4.5 Transfer Supports. Where play components require transfer to entry points or seats, at least one means of support for transferring shall be provided.

V1005 Swimming Pools, Wading Pools, and Spas

V1005.1 General. Where provided, pool lifts, sloped entries, transfer walls, transfer systems, and pool stairs shall comply with V1005.

V1005.2 Pool Lifts. Pool lifts shall comply with V1005.2.

V1005.2.1 Seat Location. In the raised position, the centerline of the seat shall be located over the deck surface and 16 inches (405 mm) minimum from the edge of the pool. The deck surface between the centerline of the seat and the pool edge shall have a slope not steeper than 1:48.

V1005.2.2 Clear Deck Space. On the side of the seat opposite the water, a clear deck space shall be provided parallel with the seat. The space shall be 36 inches (915 mm) wide minimum and shall extend forward 48 inches (1220 mm) minimum from a line located 12 inches (305 mm) behind the rear edge of the seat. The clear deck space shall have a slope not steeper than 1:48.

V1005.2.3 Seat Height. The height of the lift seat shall be designed to allow a stop at 16 inches (405 mm) minimum to 19 inches (485 mm) maximum measured from the deck surface to the top of the seat surface when in the raised (load) position.

V1005.2.4 Seat Width. The seat shall be 16 inches (405 mm) wide minimum.

V1005.2.5 Footrests and Armrests. Footrests shall be provided and shall move with the seat. If provided, the armrest positioned opposite the water shall be removable or shall fold clear of the seat when the seat is in the raised (load) position.

EXCEPTION: Footrests shall not be required on pool lifts provided in spas.

V1005.2.6 Operation. The lift shall be capable of unassisted operation from both the deck surface and water levels. Controls and operating mechanisms shall be unobstructed when the lift is in use and shall comply with V309.4.

V1005.2.7 Submerged Depth. The lift shall be designed so that the seat will submerge to a water depth of 18 inches (455 mm) minimum below the stationary water level.

V1005.2.8 Lifting Capacity. Single person pool lifts shall have a weight capacity of 300 pounds (136 kg) minimum and be capable of sustaining a static load of at least one and a half times the rated load.

V1005.3 Sloped Entries. Sloped entries shall comply with V1005.3.

V1005.3.1 Sloped Entries. Sloped entries shall comply with V402 except as modified in V1005.3.1 through V1005.3.3.

EXCEPTION: Where sloped entries are provided, the surfaces shall not be required to be slip resistant.

V1005.3.2 Submerged Depth. Sloped entries shall extend to a depth of 24 inches (610 mm) minimum and 30 inches (760 mm) maximum below the stationary water level. Where landings are required by V405.7, at least one landing shall be located 24 inches (610 mm) minimum and 30 inches (760 mm) maximum below the stationary water level.

EXCEPTION: In wading pools, the sloped entry and landings, if provided, shall extend to the deepest part of the wading pool.

V1005.3.3 Handrails. At least two handrails complying with V503 shall be provided on the sloped entry. The clear width between required handrails shall be 33 inches (840 mm) minimum and 38 inches (965 mm) maximum.

EXCEPTIONS: 1. Handrail extensions specified by V503.10.1 shall not be required at the bottom landing serving a sloped entry.

2. Where a sloped entry is provided for wave action pools, leisure rivers, sand bottom pools, and other pools where user access is limited to one area, the handrails shall not be required to comply with the clear width requirements of V1005.3.3.

3. Sloped entries in wading pools shall not be required to provide handrails complying with V1005.3.3. If provided, handrails on sloped entries in wading pools shall not be required to comply with V503.

V1005.4 Transfer Walls. Transfer walls shall comply with V1005.4.

V1005.4.1 Clear Deck Space. A clear deck space of 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum with a slope not steeper than 1:48 shall be provided at the base of the transfer wall. Where one grab bar is provided, the clear deck space shall be centered on the grab bar. Where two grab bars are provided, the clear deck space shall be centered on the clearance between the grab bars.

V1005.4.2 Height. The height of the transfer wall shall be 16 inches (405 mm) minimum and 19 inches (485 mm) maximum measured from the deck surface.

V1005.4.3 Wall Depth and Length. The depth of the transfer wall shall be 12 inches (305 mm) minimum and 16 inches (405 mm) maximum. The length of the transfer wall shall be 60 inches (1525 mm) minimum and shall be centered on the clear deck space.

V1005.4.4 Surface. Surfaces of transfer walls shall not be sharp and shall have rounded edges.

V1005.4.5 Grab Bars. At least one grab bar complying with V609 shall be provided on the transfer wall. Grab bars shall be perpendicular to the pool wall and shall extend the full depth of the transfer wall. The top of the gripping surface shall be 4 inches (100 mm) minimum and 6 inches (150 mm) maximum above transfer walls. Where one grab bar is provided, clearance shall be 24 inches (610 mm) minimum on both sides of the grab bar. Where two grab bars are provided, clearance between grab bars shall be 24 inches (610 mm) minimum.

EXCEPTION: Grab bars on transfer walls shall not be required to comply with V609.4.

V1005.5 Transfer Systems. Transfer systems shall comply with V1005.5.

V1005.5.1 Transfer Platform. A transfer platform shall be provided at the head of each transfer system. Transfer platforms shall provide 19 inches (485 mm) minimum clear depth and 24 inches (610 mm) minimum clear width.

V1005.5.2 Transfer Space. A transfer space of 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum with a slope not steeper than 1:48 shall be provided at the base of the transfer platform surface and shall be centered along a 24 inch (610 mm) minimum side of the transfer platform. The side of the transfer platform serving the transfer space shall be unobstructed.

V1005.5.3 Height. The height of the transfer platform shall comply with V1005.4.2.

EXCEPTION: Transfer platforms which serve wading pools are permitted to have a height of 11 inches (280 mm) minimum and 18 inches (455 mm) maximum measured to the top of the platform surface from the deck surface.

V1005.5.4 Transfer Steps. Transfer step height shall be 8 inches (205 mm) maximum. The surface of the bottom tread shall extend to a water depth of 18 inches (455 mm) minimum below the stationary water level.

EXCEPTION: In wading pools where the depth of the water is less than 18 inches (455 mm), the water depth of the bottom tread surface is permitted to be equal to the depth of the pool.

V1005.5.5 Surface. The surface of the transfer system shall not be sharp and shall have rounded edges.

V1005.5.6 Size. Each transfer step shall have a tread clear depth of 14 inches (355 mm) minimum and 17 inches (430 mm) maximum and shall have a tread clear width of 24 inches (610 mm) minimum.

V1005.5.7 Grab Bars. At least one grab bar on each transfer step and the transfer platform or a continuous grab bar serving each transfer step and the transfer platform shall be provided. Where a grab bar is provided on each step, the tops of gripping surfaces shall be 4 inches (100 mm) minimum and 6 inches (150 mm) maximum above each step and transfer platform. Where a continuous grab bar is provided, the top of the gripping surface shall be 4 inches (100 mm) minimum and 6 inches (150 mm) maximum above the step nosing and transfer platform. Grab bars shall comply with V609 and be located on at least one side of the transfer system. The grab bar located at the transfer platform shall not obstruct transfer.

EXCEPTION: Grab bars on transfer systems shall not be required to comply with V609.4.

V1005.6 Pool Stairs. Pool stairs shall comply with V1005.6.

V1005.6.1 Pool Stairs. Pool stairs shall comply with V502.

V1005.6.2 Handrails. The width between handrails shall be 20 inches (510 mm) minimum and 24 inches (610 mm) maximum.

V1006 Shooting Positions

V1006.1 Turning Space. A circular turning space 60 inches (1525 mm) diameter minimum with slopes not steeper than 1:48 shall be provided at shooting positions.

CHAPTER V 11: TENDERS

V1101 General. Tenders shall comply with the provisions of Chapter 11 where required by V201.1.3.

V1102 Wheelchair Spaces. At least two wheelchair spaces shall be provided and shall comply V1102.

V1102.1 Deck Surface. The deck surface of wheelchair spaces shall comply with V302. Changes in level are not permitted.

EXCEPTION: Slopes not steeper than 1:48 shall be permitted.

V1102.2 Width. A single wheelchair space shall be 36 inches (915 mm) wide minimum. Where two adjacent wheelchair spaces are provided, each wheelchair space shall be 33 inches (840 mm) wide minimum.

V1102.3 Depth. Wheelchair spaces shall be 48 inches (1220 mm) deep minimum.

V1102.4 Securement. Wheelchair spaces shall be provided with securement systems which limit the movement of occupied wheelchairs or mobility aids under normal tender operating conditions.

V1103 Onboard Accessible Route. At least one onboard accessible route complying with V402 shall connect each wheelchair space to the entry and departure points of the tender used by passengers in non-emergency conditions serving the seating area in which the wheelchair space is located.

Figure V407.4.7.1.3 Elevator Control Button Identification

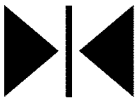
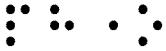
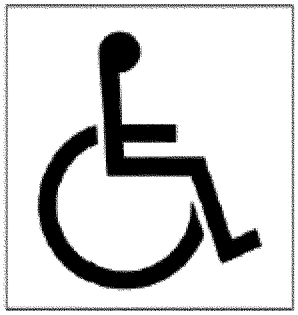
Control Button	Tactile Symbol	Braille Message
Emergency Stop		"ST"OP Three cells
Alarm		AL"AR"M Four cells
Door Open		OP"EN" Three cells
Door Close		CLOSE Five cells
Entry Deck		MA"IN" Three cells
Phone		 PH"ONE" Four cells

Figure V703.7.2.1 International Symbol of Accessibility



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Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing One Distinct Population Segment of Broad-Snouted Caiman as Endangered and a Second as Threatened With a Special Rule; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R9–ES–2010–0089; 4500030115; 1113F116]

RIN 1018–AT56

Endangered and Threatened Wildlife and Plants; Listing One Distinct Population Segment of Broad-Snouted Caiman as Endangered and a Second as Threatened With a Special Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: Under the Endangered Species Act of 1973, as amended (ESA), we, the U.S. Fish and Wildlife Service (Service), reclassify the broad-snouted caiman in Argentina from endangered to threatened in the List of Endangered and Threatened Wildlife. As part of this final rule, we have established two distinct population segments (DPSs) of the broad-snouted caiman (*Caiman latirostris*): A DPS in Argentina and a DPS encompassing Bolivia, Brazil, Paraguay, and Uruguay. This second DPS remains listed as endangered under the ESA. We are finalizing this action under the ESA based on the best available data indicating that the Argentine population of the broad-snouted caiman no longer meets the definition of endangered under the ESA. Intense management of the species in Argentina has brought the Argentine DPS to the point where a change in status is appropriate.

As of the effective date of this final rule, the broad-snouted caiman will be included in the special rule for trade in caiman species. Inclusion in this special rule allows U.S. commerce in skins, other parts, and products of this species originating from Argentina, and reexport of such specimens originating in Argentina, if certain conditions are met prior to exportation to the United States.

DATES: This final rule is effective July 25, 2013.

ADDRESSES: This final rule is available on the Internet at *http://www.regulations.gov,* and comments and materials received, as well as supporting documentation used in the preparation of this rule, will be available for public inspection, by appointment, during normal business hours at: U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 400, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Janine Van Norman, Chief, Branch of Foreign Species, Endangered Species Program; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, Room 420; Arlington, VA 22203, U.S.A. telephone 703–358–2171; facsimile 703–358–1735. Individuals who are hearing-impaired or speech-impaired may call the Federal Information Relay Service at 800–877–8339 for TTY assistance 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

Peer Review

In accordance with our joint peer review policy with the National Marine Fisheries Service, ''Notice of Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities,'' published in the **Federal Register** on July 1, 1994 (59 FR 34270), and the Office of Management and Budget's Final Information Quality Bulletin for Peer Review, dated December 16, 2004, we sought the expert opinions of three appropriate independent specialists regarding the science in our January 5, 2012, proposed rule (77 FR 666). The purpose of peer review is to ensure that listing, downlisting, and delisting decisions are based on scientifically sound data, assumptions, and analyses. We invited these peer reviewers to comment during the public comment period, on the specific assumptions and conclusions in the proposed downlisting of the Argentine population (DPS) of the broad-snouted caiman. We provide a summary of the opinions of these reviewers below, and we considered their input and any additional information we received as part of this final determination.

Summary of Comments and Recommendations

We reviewed all comments we received from the public and peer reviewers for substantive issues and new information regarding the proposed delisting of this species, and we address those comments below. Overall, the commenters and peer reviewers supported the proposed reclassification of the Argentina DPS of the broad-snouted caiman from endangered to threatened.

(1) Comment: One peer reviewer disagreed with our statement that an adult caiman's primary food is fish. The reviewer stated that ''although there is ontogenetic variation, all sizes of broad-snouted caiman are generalistic feeders (Borteiro *et al.* 2009). This characteristic contributes to the species being a successful colonizer of a wide variety of habitats.''

Our Response: The Service has reviewed the referenced material, and we have incorporated this change.

(2) Comment: One peer reviewer corrected our statement that ''Recent observations and field surveys indicate that broad-snouted caiman is fairly common in northern Uruguay, and is also widely distributed in central and western Uruguay.'' The reviewer stated that ''It should read: 'is also widely distributed in central and *eastern* Uruguay.' ''

Our Response: We have revised the statement to incorporate this change.

(3) Comment: One peer reviewer stated that Uruguay had local regulations prohibiting the poaching of the species and that local take was insignificant and referenced Bortiero *et al.* 2006.

Our Response: The Service has reviewed the referenced material, and we have incorporated this into our final rule.

Previous Federal Actions

We listed this species as endangered on June 14, 1976 (41 FR 24062), in response to a petition we received in 1975 from the Fund for Animals, requesting that the Service list all species that were included in Appendix I of CITES as endangered under the ESA (see additional discussion in CITES section.). In 2007, we received a petition from the Government of Argentina, dated November 5, 2007, requesting that we reclassify the broad-snouted caiman in Argentina from endangered to threatened. The Argentine population of broad-snouted caiman has been listed on Appendix II of CITES since 1997. The broad-snouted caiman is still listed in Appendix I of CITES in Bolivia, Brazil, Paraguay, and Uruguay. With this petition, the Government of Argentina requested reclassification of the species from endangered to threatened in that country only. The petition contained detailed information about the natural history and biology of the broad-snouted caiman including the species' current status and distribution in Argentina. The Government of Argentina cited reasons for the reclassification, such as the broad-snouted caiman populations in Argentina are healthy, habitat remains plentiful, caiman ranching programs in Argentina have proven successful (wild populations are increasing), and broad-snouted caiman production and harvest is increasing in Argentina.

Because the petition from the Government of Argentina was for reclassification of the Argentine population only, the Service had to first consider whether the population of

Argentina qualified as a distinct vertebrate population segment (DPS) under the ESA. (see discussion in Distinct Population Segment section). We then evaluated the entire species to determine if a change in status under the ESA is warranted based on any new information since the species was listed under the ESA. The DPS policy requires the Service to determine whether or not a vertebrate population is discrete and significant and to determine the population segment's conservation status in relation to the ESA's standards for listing, delisting, or reclassification (i.e., is the population segment endangered or threatened). If it qualifies, the policy requires a status determination to determine if the population is endangered or threatened.

On June 16, 2008, the Service published in the **Federal Register** a 90-day finding (73 FR 33968) on the petition, stating that the petition provided substantial information to indicate that the requested action (to reclassify the Argentine population of the broad-snouted caiman) may be warranted.

On January 5, 2012, we published a proposed rule in the **Federal Register** (77 FR 666), stating that the petitioned action to reclassify the Argentina DPS of the broad-snouted caiman from endangered to threatened was warranted. In the proposed rule, we proposed to establish two distinct population segments (DPSs) of the broad-snouted caiman *(Caiman latirostris):* a DPS in Argentina and a DPS encompassing Bolivia, Brazil, Paraguay, and Uruguay. The second DPS will remain listed as endangered under the ESA. Within the proposed rule, we sought comments on the petitioned action, as well as information on the status of the species, particularly in Argentina. The comment period closed on March 5, 2012. During the comment period, we received additional scientific literature from peer reviewers as well as from the International Union for Conservation of Nature (IUCN) Crocodile Specialist Group (CSG), which provided information on the conservation status of the species in Argentina. The comments and new information have been considered and incorporated into this final rule to reclassify the Argentine population of the broad-snouted caiman.

Background

The primary purpose of the ESA is to prevent animal and plant species' endangerment and extinction. The ESA requires the Service to identify species that meet the ESA's definitions of endangered and threatened species, to add those species to the Federal Lists of Endangered and Threatened Wildlife and Plants (50 CFR 17.11 and 17.12, respectively), and to plan and implement conservation measures to improve their status to the point at which they no longer need the protections of the ESA. When that protection is no longer needed, we take steps to remove (delist) the species from the ESA. If a species is listed as endangered, we may first reclassify it to threatened status as an intermediate step before its eventual removal from the Federal Lists of Endangered and Threatened Wildlife and Plants; however, reclassification to threatened status is not required prior to removal. Section 3 of the ESA provides the following definitions that are relevant to this rule: *Endangered species* means any species which is in danger of extinction throughout all or a significant portion of its range; *Threatened species* means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. *Species* includes any subspecies of fish or wildlife or plants, and any DPS of any species of vertebrate fish or wildlife which interbreeds when mature.

When an endangered species (or DPS) has recovered to the point where it is no longer currently in danger of extinction throughout all or a significant portion of its range, but is likely to become so in the foreseeable future, it is appropriate to reclassify that species (or DPS) to threatened. The broad-snouted caiman was listed as endangered in 1976. However, recent information indicates that the Argentine population has increased since the time of the original listing.

Technical Corrections

This final rule corrects errors in 50 CFR 17.11 as follows: The table at 50 CFR 17.11(h) does not currently list Bolivia in the historic range of the broad-snouted caiman. This final rule corrects the ''Historic Range'' entry to include Bolivia. In addition, we are correcting errors in the entries for three other caiman species: brown caiman, common caiman, and yacare caiman. The entries for these species in the ''Special Rules'' column direct readers to 50 CFR 17.42(g); however, the special rule for all of these species is at 50 CFR 17.42(c).

Five-Year Review

Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every 5 years. A 5-year review is a periodic process conducted to ensure that the classification of a listed species is appropriate. Section 4(c)(2)(B) requires that we determine: (1) Whether a species no longer meets the definition of endangered or threatened and should be removed from the List (delisted); (2) whether a species more properly meets the definition of threatened and should be reclassified from endangered to threatened; or (3) whether a species more properly meets the definition of endangered and should be reclassified from threatened to endangered. It is based on the best scientific and commercial data available at the time of the review. Our completion of the status review in making our 12-month finding that the petitioned action to reclassify the Argentina DPS of the broad-snouted caiman from endangered to threatened was warranted (See 77 FR 666, the January 5, 2012 **Federal Register** notice of proposed rulemaking) constituted our 5-year review of this species.

Species Description

The broad-snouted caiman is a medium-sized crocodilian with a body length usually no more than 2 meters (m) (6.6 feet (ft)), and has the proportionally broadest snout of any crocodile (Verdade *et al.* 2010, p. 18). It is found generally in lagoons, rivers, creeks, marshes, ponds, and mangroves in river systems of northeast Argentina, southeast Bolivia, Paraguay, and parts of Uruguay (Borteiro *et al.* 2006, p. 97; Verdade *et al.* 2010, p. 18).

According to Imhof (unpublished 2006), approximately 60 percent of the species' range is in Brazil, 30 percent is in Argentina, 7 percent is in Paraguay, and 3 percent is in Bolivia. The percentage of its range in Uruguay is unknown. Broad-snouted caiman populations are on the Atlantic coast, connected through the Paraná and São Francisco River systems of northeast Argentina, southeast Bolivia, Paraguay, and northeast Uruguay. The São Francisco River is 2,914 km (1,811 mi) in length.

The broad-snouted caiman exhibits greater climatic tolerance than other caiman species (Verdade and Piña 2006). The southernmost limit of the distribution of the broad-snouted caiman is northern Argentina (Jenkins *et al.* 2006), where it is found in the provinces of Chaco, Corrientes, Entre Ríos, Formosa, Jujuy, Misiones, Salta, Santa Fe, and Santiago del Estero. In Argentina, 80 percent of the Argentine distribution of the population occurs in the Province of Santa Fe. Here, the species is found primarily in the floodplain along the Paraná River, the Salado river watershed, and the

Saladillos watershed (Larriera 1995, pp. 221–230).

This species is primarily found at altitudes up to 100 m (328 ft) above sea level (Borteiro *et al.* 2006, p. 99). The broad-snouted caiman exhibits a high degree of flexibility in its habitat preferences. It is an opportunistic feeder and generally prefers shallow aquatic environments with abundant vegetation. In some areas, the broad-snouted caiman is sympatric (occurs in overlapping geographical areas) with the yacare caiman *(Caiman yacare),* but the broad-snouted caiman is usually found in quieter, more heavily vegetated waters (Medem 1983; Scott *et al.* 1990). *C. yacare* prefers large rivers with adjacent marshes (Scott *et al.* 1990, pp. 43–51). Like many crocodilians, the broad-snouted caiman can be found in temporary bodies of water and manmade habitats, such as isolated cattle or agricultural stock ponds, livestock watering holes, and drainage ditches or areas of runoff water. It can be found in flooded forested areas in years of intense rains usually within 2,000 m (6,562 ft) from bodies of water (Larriera *et al.* 2008, p. 151).

The reproductive cycle of this species is seasonal. Mating occurs in the spring (October through December), when polygynous males (males who breed with more than one female) establish territories. When laying eggs, this species constructs a ''mound nest'' out of vegetation, and it deposits its eggs in the center of the mound. Another characteristic of this species is that it exhibits communal nesting (several females lay eggs in the same nest). Partially divided nest chambers, each with normal clutch sizes, and nests with unusually large clutches (129 eggs) have been observed in this species, which is indicative of communal nesting (Larriera 2002). Clutch sizes range between 18 to 50 eggs, with females typically laying between 30 and 40 eggs (Micucci and Waller 1995). Egg laying occurs during the wet summer season, which occurs between December and February (Verdade 1998, pp. 18–19). Young caiman hatch at the end of fall and early winter (February–April) (Micucci and Waller 1995, p. 81).

This species is an opportunistic feeder. The young feed on insects and small arthropods. As hatchlings grow, their diet becomes primarily aquatic mollusks and crustaceans (Micucci and Waller 1995, pp. 81–112). Adults are opportunistic predators whose prey increases in size in relation to their growth (Borteiro 2009, pp. 34–35).

CITES

The broad-snouted caiman was listed in Appendix I of CITES on July 1, 1975. CITES Appendix I includes species that are threatened with extinction and which are or may be affected by trade. Species listed under Appendix I may not be traded for primarily commercial purposes. These protections were put in place because the species had suffered substantial population declines throughout its range due to habitat destruction and overexploitation through the commercial crocodilian skin trade.

The Argentine population was transferred from Appendix I to Appendix II (which allows for commercial trade) in 1997. CITES Appendix II includes species that are less vulnerable to extinction and that although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival. Management activities in Argentina were reviewed by the CITES Parties prior to transferring this population from Appendix I to Appendix II. The review included assessments of population status, determination of sustainable harvest quotas (and approval of ranching programs), and the control of the illegal harvest. Management regulations imposed after harvest included the tagging of skins and issuance of permits to satisfy the requirements for Appendix-II species. For a more in-depth discussion on CITES, please see the ''International Trade and Regulation under CITES'' section under *Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes.*

Trade

Beginning in the 1940s, the broad-snouted caiman was hunted commercially for its leather, which is considered to be higher quality than that of other caiman species (Verdade *et al.* 2010, p. 19). Prior to being protected by CITES, thousands of broad-snouted caiman skins were exported from its range countries, which led to the listing of the species in Appendix I of CITES in 1975 (Verdade 1998, pp. 18–19; Larriera 2003, unpaginated). In 1990, ''Projecto Yacaré'' (''Caiman Project'') was implemented in Argentina based on a concept of conservation through sustainable use of broad-snouted caiman. The objective of the program was to improve the status of the population in two ways: By creating incentives for landowners, and by increasing public awareness in the local communities to encourage the increase of caiman populations. Another objective was to conserve natural wetlands on which caimans depend (Larriera *et al.* 2008a, pp. 143–145). As of 2008, four ranching programs were operating in Argentina (Larriera *et al.* 2008), producing a total of approximately 12,000 skins per year (Verdade *et al.* 2010, p. 19). As of 2010, there were seven ranching programs registered with the government of Argentina. These programs also reintroduce captive-raised individuals to the wild. Three of the programs function on an educational basis, with no commercial production. These educational ranching operations are in Entre Ríos, Chaco, and Corrientes Provinces. Two of the commercial ranching programs are in Formosa; the other two are in Corrientes and Santa Fe Provinces. In 2010, there were 7,768 hatchlings produced in Argentina (Larriera 2010b, p. 1).

Conservation Status

The broad-snouted caiman is currently listed as endangered throughout its range under the ESA and received protections under the ESA on June 14, 1976 (41 FR 24062). With respect to CITES, this species was placed in Appendix I of CITES due to severe exploitation for international trade and habitat destruction. Because the Argentine broad-snouted caiman population was moved to Appendix II of CITES in 1997, commercial international trade is now allowed (subject to several restrictions) for specimens, parts, and products originating in Argentina. With respect to the ESA, the broad-snouted caiman is presently listed as endangered in its entirety under the ESA (41 FR 24062; June 14, 1976), and importation into the United States of endangered species is prohibited under the ESA with certain exceptions. IUCN classifies this species as ''least concern'' (*http://www.iucnredlist.org,* accessed August 29, 2012). However, IUCN rankings do not confer any actual protection or management.

Status in Range Countries and Population Estimates

Actual numbers of the species have been difficult to document in part because broad-snouted caiman habitat tends to be heavily vegetated and is difficult to access by humans. Some researchers believe that the size of the population has historically been underestimated (Larriera and Imhof 2000, pp. 311–313). The imprecision is reflected in the global wild population

estimate of between 250,000 and 500,000 individuals (*http://www.flmnh.ufl.edu/cnhc/csp_clat.htm,* accessed May 10, 2013 and January 18, 2011).

It is difficult to accurately obtain population numbers for crocodiles due to variables such as water temperature, the nature of their behavior of disappearing underwater in response to certain types of disturbance, their respective visibility based on water depths, and their ability to migrate based on drought or flooding (Pacheco 1996, p. 44; Bayliss 1987, p. 158; Graham 1988, p. 74; Magnusson 1980, pp. 393–394). An early journal article described ''night counts'' as a mechanism for surveying American alligators, which live in habitat similar to that of broad-snouted caiman (Wood *et al.* 1986, p. 263) and exhibit similar characteristics. This paper indicated that ''the accuracy of night count indices is only 20–25 percent of true population means'' and referred to previous research conducted by Taylor and Neal (1984, pp. 316–317). Night count surveys use spotlights to detect caiman eyes. Although night counts are not entirely precise, they are very often used as a method of surveying crocodile species.

As an example of the difficulty in accurately obtaining population numbers for crocodiles, a review of crocodile ranching programs conducted for CITES by the IUCN Crocodile Specialist Group (CSG) in 2004 found that only three Parties (one of which was Argentina) to CITES attempted to estimate what proportion of the total wild production was being harvested under their ranching programs (Jenkins *et al.* 2006, pp. 34–35). These estimates were based on ''production estimates'' (such as numbers of eggs collected from the wild specifically in connection with the ranching programs), which are described by the CSG as having wide variances and largely unknown accuracy (Jenkins *et al.* 2006, pp. 34–35). However, this report indicated that the easiest data to obtain and report to track population trends are those linked to the operation of the ranching programs (the method used by Argentina), data such as numbers of eggs collected from the wild. The eggs in Argentina's program are collected from known nest locations in the wild and are an indication of caiman density. This is why we use the information reported from Argentina's egg harvest as the best available information regarding population trend.

The IUCN–CSG report also indicated that results probably indicate deficiencies in reporting rather than any declines of conservation significance in wild populations. The CSG recommended that field data be collected to verify this assertion, some of which has been collected over the past few years. Although not many caiman populations have been monitored in the wild, there has been some monitoring in Argentina since the 1990s. In 2010, Larriera and Siroski reported on population trends of caiman monitored in the Santa Fe Province of Argentina since the 1990s. This monitoring indicated that average densities increased from 2 to 8 caiman per kilometer (km) to between 20 to 120 caiman per km. In other areas of Argentina, recent densities of broad-snouted caiman ranged between 5 and 238 caiman per km, and almost 70 sites were surveyed.

Below is the best available information regarding the status of the species in each country.

Argentina

In Argentina, the broad-snouted caiman is found in nine provinces (Formosa, Santa Fe, Misiones, Corrientes, Entre Rios, Chaco, Santiago del Estero, Salta, and Jujuy). According to Imhof (unpublished 2006), approximately 30 percent of the species' range is in Argentina. Argentina has large areas of intact, although altered habitat with healthy caiman populations (Verdade 1998, pp. 18–19; Piña *et al.* 2009). For example, broad-snouted caiman is thought to inhabit 2,400 of 2,700 water bodies (Piña et al. 2008, p. 4) in the Salta Province in Argentina. Surveys conducted in 2007 and 2008 indicated that broad-snouted caiman habitat in Salta Province is about 3,650 km^2 (1,409 mi^2). These surveys found broad-snouted caiman densities had increased to between 20 and 120 caiman per km in 2009, up from 2 to 8 caiman per km in 1990 when Argentina's management program of broad-snouted caiman first began (Siroski and Larriera 2010, pers. comm.).

This species has been observed in a variety of habitats and waterways, including rivers near waterfalls such as Iguazú, and freshwater creeks with rocky bottoms (Micucci and Waller 1995, pp. 81–110). In the Province of Santa Fe, the species is found primarily in the floodplain along the Paraná River, the Salado river watershed, and the Saladillos watershed (Larriera 1995). Its choices of nesting areas reflect the adaptability of this species to a variety of habitats. Nests have been found along dikes or levees, shallow lagoons, still and slow-moving waters in rivers and channels, artificial ponds, and on small hills in wetlands (Larriera 1995, pp. 221–230). Nests have also been found in mature chaco forests of open or closed canopy as far as 300–2,000 m (984–6,562 ft) from water (Larriera 1995, pp. 221–230; Larriera *et al.* 2008, p. 151).

Since management and monitoring of the Argentine population began, population estimates for Argentina have indicated an upward trend. This has been achieved through an organized ranching program and reintroduction of hatchlings into the wild (see discussion under Factors B and D below). Because of this program, a significant increase in egg production, collection, and reproductive success has occurred in the wild. Over 30,000 hatchlings from eggs collected have been released into the wild since the program began (Larriera et al 2008, p. 143). Surveys conducted between 1991 and 1992 in the Iberá Reserve indicated an average density of 12.2 individuals per km (Piña *et al.* 2009, p. 4). Surveys conducted during the 1999–2000 season in the Iberá Reserve indicated that in the Corrientes Province the density had increased to 32.4 individuals per km (Waller 2003 in Piña *et al.* 2010, p. 4). When the program began in the Santa Fe Province, night counts within the project area found less than 1 caiman per km, but it increased to almost 10 caiman per km in 2000, and over 4 caiman per kilometer in 2006 and 2007 (Larriera 2008c, p. 2). This decrease in density during 2006–2007 was attributed to drought (Larriera 2008c, p. 3); however, natural fluctuations such as this often occur in wild populations (Woodward 2010, p. 2).

Caiman populations, like most other crocodilian populations, can be adversely affected by droughts during some years, but the populations are able to rebound in wetter years. Most crocodilians and prey species suffer short-term declines during these conditions but readily respond to wetter conditions. Despite the decrease in reproduction during the period of drought, overall, egg harvest increased 750 percent between 1992 and 2007 (Larriera 2008c, p. 330). After 2001, the number of eggs harvested continued to steadily increase (Larriera et al 2008c, p. 332). This increase in egg production was attributed in part to caiman being released through this program that had reached sexual maturity, and partly due to the increased survival rate of juveniles (Larriera 2008c, p. 330). Because the mortality rate of caiman in the wild is so high between the embryonic stage up to a few month of age, the process of removing the eggs from the wild and rearing the caiman in an environment where they are free from predation increases their survival

rate significantly. Additional densities recorded within its range are in Table 1.

TABLE 1—DENSITIES OF BROAD-SNOUTED CAIMAN OBSERVED DURING POPULATION COUNTS

Country/province	Years	Number of localities	Range of caiman densities	Source
Argentina/Formosa	2007–2008	11	22 to 238 per km	Piña *et al.* (2008).
Argentina/Corrientes	2007–2008	10	5 to 125 per km	Piña *et al.* (2008).
Argentina/Salta	2007–2008	39	3 to 5 caiman per lagoon	Piña *et al.* (2008).
Argentina/Sante Fe	2007–2008	Not available	4 per km*	Larriera *et al.* (2008).
Argentina/Santa Fe	2002	7	6 to 200 per km	Larriera and Imhoff (2004).
Bolivia/Pilcomayo River Basin, Tarija	1998	6	3 to 58 per km	Llobet-Querejazu (1998).
Bolivia/Tarija Department	2004–2005	54	6.17 per km	Aparicio and Rios (2008).
Uruguay	2001–2004	36	3.5 per km	Borteiro *et al.* (2008).
Brazil/São Francisco River Basin	2006–2007	64	Presence in 44 percent of areas surveyed.	Filogonio *et al.* (2009).

* Recent caiman counts suggest that populations declined somewhat during 2002–2003 and 2007–2008 (Larriera *et al.* 2008; Micucci *et al.* 2007). This has been attributed to cyclic drought conditions during the early 2000s (Larriera *et al.* 2008; Micucci *et al.* 2007).

Bolivia

The population of broad-snouted caiman in Bolivia is at the far western edge of the species' range. According to Imhof (unpublished 2006), approximately 3 percent of the species' range is in Bolivia. In 1983, broad-snouted caiman was found in the Pando Department (departments in South America are comparable to state jurisdictions in the United States) of Bolivia, which is at the northwestern tip of Bolivia (Medem 1983). In 1989, broad-snouted caiman was only found in the Pilcomayo River area, a tributary of the Paraguay River (King and Videz-Roca 1989). The Paraguay River, also known as Rio Paraguay, is 2,621 km (1,629 miles (mi)) in length and runs through Bolivia, Brazil, Paraguay, and Argentina, joining the broad-snouted caiman populations in these countries. Surveys in the late 1990s considered the Bolivian population of this species to be severely depleted (Verdade 1998, pp. 18–19). Anecdotal reports indicate that the abundance of broad-snouted caiman in the Pilcomayo River region may have increased over the past 10 years, but in the Bermejo River region, populations may have declined (Aparicio and Ríos 2008, pp. 111, 122). It is unclear whether the population change is public perception or whether the perception represents an actual change in broad-snouted caiman population numbers within Bolivia.

During a survey conducted in 2003 and 2004, 6.2 individuals per km were observed (Aparicio and Rios 2008, p. 104). The survey was conducted in 54 water bodies, 42 of which are part of the Pilcomayo River sub-basin, and the remaining 12 water bodies in the sub-basin of the Bermejo River (Aparicio and Rios 2008, p. 110). The highest abundance values were recorded in ''atajados'' (dikes) and artificial ponds. Broad-snouted caiman exhibit preferences for inhabiting temporary shallow water bodies that have abundant vegetation cover. The population of broad-snouted caiman for the sub-basin of Pilcomayo River was extrapolated on the basis of 135 observed individuals (Aparcio and Rios 2008, p. 108).

In 1998, an abundance of 3.3 individuals per km was reported (Pacheco and Llobet 1998). The 1998 data indicated that the population was dominated by young individuals (Aparicio and Rios 2008, p. 110). These researchers indicated that this high level of young may indicate that the population is increasing. Although different survey methods and timing were employed in the 1998 and 2003–2004 surveys, the population estimates suggest an increase in density of almost 3 individuals per km from 1998 to 2003–2004. A further observation of the survey found that broad-snouted caiman exist in areas previously considered to be uninhabited by them. This species is found in the Gran Chaco, Arce, and O'Connor Provinces (sub-basins Pilcomayo and Bermejo) in the Tarija Department, which is in the south of Bolivia. Despite information suggesting an increasing trend in the Bolivian population, populations of broad-snouted caiman are still considered to be severely depleted in Bolivia (Aparicio and Ríos 2008, p. 104; Verdade *et al.* 2010, p. 19).

Brazil

Brazil has the largest range for this species; approximately 60 percent of the species' range is in Brazil (Imhof unpublished 2006). In 2003, Brazil established a nationwide research and development program, called Programme for Biology, Conservation and Management of Brazilian Crocodilians (Coutinho and Luz 2008 in Velasco *et al.* 2008 p. 80). The broad-snouted caiman was listed as an endangered species in Brazil until 2003, at which time the species was withdrawn from the Brazilian List of Endangered Fauna (The Brazilian Institute of Environment and Renewable Natural Resources [IBAMA] 2003). In 2006, it was reported that in southeast Brazil there were four farms involved in breeding this species. There were a total of 354 caiman in the farms, and in 2006, 719 hatchlings had been produced (CSG Steering Committee Meeting 2006, p. 6). We have no other information about the status of this program.

Although there is still a lack of population data and monitoring, the surveys conducted indicate that broad-snouted caiman is present (confirmed in 44 percent of 64 areas surveyed) throughout the São Francisco River basin, its primary habitat (Filogonio *et al.* 2009, p. 961). A 2006–2007 survey conducted in the São Francisco river basin found the occurrence of crocodilians in 61 percent of 64 surveyed localities, in which the presence of broad-snouted caiman was confirmed in 44 percent of the surveyed sites. This was a survey conducted primarily to detect presence and absence, rather than an estimate of the population (Filogonio *et al.* 2009, p. 961). Caiman occurred in both lentic (still water) and lotic (moving water) habitats, although caiman preferred water bodies consisting of small dams, oxbow lakes, and wetlands. Despite the hunting pressure and human impact on natural habitats, results indicated that the populations of broad-snouted caiman in the São Francisco basin are broadly distributed and not fragmented (Filogonio *et al.* 2009, p. 961).

No other recent survey data are known in Brazil other than in the

northwest portion of Santa Catarina Island, in the Ratones River plain. In this area surveyed, a density of 0.25 caiman per km was encountered (Fusco-Costa *et al.* 2008, p. 185). Based on their size, these caiman were generally considered to be adults.

Preliminary data indicate that this species is more widespread and prevalent in Brazil than previously believed. The main concern for this species in Brazil appears to be dams that have been constructed for hydroelectric stations that block water flow to wetlands. Both drainage of land for agriculture and river pollution have reduced the availability of broad-snouted caiman habitat in Brazil (Verdade 1998, pp. 18–19). Hunting pressure is another factor that affects broad-snouted caiman in Brazil. It is hunted for several reasons: because caiman feed on the fish attached to fishing nets; because caiman destroy fishing nets; and because caiman are a source of food. Although Brazil has established a research and development program for the conservation and management of Brazilian crocodilians, data are lacking for this species on its population.

Paraguay

No recent survey data are available for Paraguay. However, according to Imhof (unpublished 2006), approximately 7 percent of the species' range is in Paraguay. The latest data available indicate that the population of broad-snouted caiman is naturally low and scattered throughout eastern Paraguay and the southern half of the Chaco region, western Paraguay, possibly because other potential habitat in western Paraguay is ephemeral (seasonal, not permanent) (Scott *et al.* 1990, pp. 43–49). The Paraguayan population is found in seasonal marshes and livestock ponds, and has colonized manmade water bodies (Scott *et al.* 1990). There is no known conservation program for broad-snouted caiman in Paraguay.

Uruguay

The broad-snouted caiman is the only caiman species found in Uruguay (Borteiro *et al.* 2006, p. 98); the percentage of this species' range in Uruguay is unknown (Imhof unpublished 2006). There was little information available regarding this species' population numbers in Uruguay until recently. The population of broad-snouted caiman in Uruguay is more widespread and appears larger than previously believed (Borteiro *et al.* 2006, pp. 97–108; Borteiro *et al.* 2008, pp. 244–250), but it is unclear whether population growth has occurred or whether earlier surveys were inaccurate. In the past, it was suggested that a decline in population had occurred in Uruguay, but no strong basis for this suggestion existed (Verdade 1998, p. 20). Recent observations and field surveys indicate that broad-snouted caiman is fairly common in northern Uruguay and is also widely distributed in central and eastern Uruguay (Borteiro *et al.* 2008, p. 248). This species is adaptable to a wide range of water sources and habitats (Borteiro *et al.* 2006, p. 102; Borteiro *et al.* 2008, p. 244) and is connected to the Argentine and Brazilian populations through the Uruguay River basin (Borteiro *et al.* 2006, p. 103).

Previous local reports about the population status of broad-snouted caiman in Uruguay published since the mid-1950s suggested that this species was subject to extinction due to habitat destruction and poaching (Achaval 1977; Orejas-Miranda 1969; Talice 1971; Vaz-Ferreira 1971; Vaz-Ferreira 1956); however, no discussion of survey data and methods was made to support these conclusions (Borteiro *et al.* 2008, p. 247). Although there has been documented take of this species by local citizens for subsistence, research suggests this practice is not common and is therefore considered to be an insignificant factor affecting the species (Borteiro, *et al.* 2006, p. 108). Additionally, there has been some indication that at the local level, the poaching of the broad-snouted caiman is prohibited (Borteiro, *et al.* 2006, p. 108). However, information regarding enforcement is lacking (see *Bolivia, Brazil, Paraguay, Uruguay DPS (Northern DPS)* discussion). During surveys conducted between 1981 and 2003, the species was found in both the Cebollatí and Tacuarí Rivers, as well as in the Pelotas, India Muerta, and San Miguel stream basins (Borteiro *et al.* 2006, p. 97). In the Department of Artigas (northern tip of Uruguay), broad-snouted caiman was found to be present in 29 out of 36 surveyed areas (Borteiro *et al.* 2008, pp. 246). The area studied consisted of approximately 400 km^2 (154 mi^2) of fluvial plains in the Uruguay River basin, in Artigas Department, northwestern Uruguay. The caiman observed were predominantly subadults.

Although comparisons with these previous surveys are difficult based on unknown methodologies used in the past, the 2008 data, along with the population age structure of caiman, suggest that the population may be increasing (Borteiro *et al.* 2008, p. 248). The researcher noted that the observed caiman were predominantly subadults and, thus, had the potential to recruit into adult size classes (as opposed to very young hatchlings, which have a significantly higher mortality rate). This observation may be due to an increase in agricultural and livestock activities that inadvertently had a positive effect on broad-snouted caiman. These previous reports about the population status of broad-snouted caiman in Uruguay may have been due to inadequate surveys or survey methodology, or the population may have grown.

In 2008, the number of caiman located in each area surveyed ranged between one and 31. The average abundance was between 1.3 and 3.4 per km (Borteiro *et al.* 2008, p. 246). Research conducted recently regarding the population age structure of caiman in Uruguay indicates that the population is increasing (Borteiro *et al.* 2008, p. 248). This may be due to an increase in agricultural impoundments that have been constructed in the past few decades which have unintentionally created suitable habitat for caiman. Each department in which broad-snouted caiman has recently been documented and the most recent date observed follows (Borteiro *et al.* 2008, pp. 244–250):

Dept. of Artigas (Northern Uruguay; caiman commonly found)
- Yacuy stream (2002)
- Mandiyu stream (2003)

Dept. of Cerro Largo (eastern Uruguay)
- Fraile Muerto stream (2005)

Dept. of Lavelleja
- José Pedro Varela (2003)

Dept. of Paysandú (1997)

Dept. of Rocha
- San Luis (2001)
- San Miguel River stream (2003)

Dept. of Rivera (1992)

Dept. of Tacuarembó
- Paso Bonilla (2003)

Dept. of Salto (Northwestern Uruguay, no current reports; historical accounts only, Borteiro *et al.* 2006, pp. 98–100)

Dept. of Treinta y Tres
- Merin Lake; Tacuari River (2002)
- Paso del Dragon (2002)
- Kiosco Tacuari (2003)

Additionally, in Uruguay, a private farm began in 2002 that involved reproduction and reintroduction of this species into the wild. The goal of this government-sanctioned farm was to produce skins and meat commercially. In 2008, there were 20 adult caiman in the farm, yet they had reintroduced 100 caiman back into the wild (Velasco *et al.* 2008, p. 82). The Service knows of no

additional information regarding this private farm.

In summary, the population of broad-snouted caiman in Uruguay appears to be larger than previously believed, but differences in survey methodologies used make it difficult to assess population trends. The percentage of the broad-snouted caiman population that exists in Uruguay has still not been estimated.

Distinct Population Segment Analysis

As indicated previously in this document, the Government of Argentina requested that we review the status of the species in Argentina in order to determine whether or not the species warrants reclassification to threatened status under the ESA. Section 3(16) of the ESA defines ''species'' to include ''any subspecies of fish or wildlife or plants, and any distinct population segment [DPS] of any species of vertebrate fish or wildlife which interbreeds when mature'' (16 U.S.C. 1532(16)). In evaluating whether the action petitioned by Argentina is warranted, we first must analyze whether this population constitutes a ''species'' as defined under the ESA. Thus, we begin our analysis with a determination of whether the population in Argentina represents a DPS. A DPS is a listable entity under the ESA, and is treated the same as a listed species or subspecies. It is listed, protected, and recovered just as any other endangered or threatened species or subspecies. The term ''distinct population segment'' is part of the statutory definition of a ''species'' and is significant for listing, delisting, and reclassification purposes under section 4 of the ESA.

To interpret and implement the DPS provisions of the ESA and Congressional guidance, the Service and the National Marine Fisheries Service jointly published the DPS Policy (see the Policy Regarding the Recognition of Distinct Vertebrate Population Segments under the Endangered Species Act (61 FR 4722; February 7, 1996)). Congress included the DPS concept in the ESA, recognizing that a listing, reclassification, or delisting action may, in some circumstances, be more appropriately applied over something less than the entire area in which a species or subspecies is found or was known to occur in order to protect and recover organisms in a more timely and cost-effective manner. A DPS is a listable entity that is usually described *geographically* rather than *biologically.* By using international boundaries, we are able to clearly identify the geographic extent of the DPS listing and thereby facilitate law enforcement and promote public understanding of the listing. Under this Policy, we evaluate a set of elements in a three-step process in order to make our decision concerning the establishment and classification of a possible DPS. These elements are applied similarly for both additions to, reclassifications under, and removals from the Federal Lists of Endangered and Threatened Wildlife and Plants. These elements include:

(1) The discreteness of a population in relation to the remainder of the taxon to which it belongs;

(2) The significance of the population segment to the taxon to which it belongs; and

(3) The population segment's conservation status in relation to the ESA's standards for listing (addition to the list), delisting (removal from the list), or reclassification (i.e., is the population segment endangered or threatened?).

The DPS Policy first requires the Service to determine that a vertebrate population is discrete in relation to the remainder of the taxon to which it belongs. Discreteness refers to the ability to delineate a population segment from other members of a taxon based on either: (1) Physical, physiological, ecological, or behavioral factors (quantitative measures of genetic or morphological discontinuity may provide evidence of this separation), or (2) international governmental boundaries that result in significant differences in control of exploitation, management, or habitat conservation status, or regulatory mechanisms that are significant in light of section 4(a)(1)(D) of the ESA—the inadequacy of existing regulatory mechanisms.

Second, if we determine that the population is discrete under one or more of the discreteness conditions, then a determination is made as to whether the population is significant to the larger taxon to which it belongs in light of Congressional guidance (see Senate Report 151, 96th Congress, 1st Session) that the authority to list DPS's be used ''sparingly and only when the biological evidence indicates that such action is warranted.'' In carrying out this examination, we consider available scientific evidence of the population's importance to the taxon to which it belongs. This consideration may include, but is not limited to, the following:

(1) The persistence of the population segment in an ecological setting that is unique or unusual for the taxon;

(2) Evidence that loss of the population segment would result in a significant gap in the range of the taxon;

(3) Evidence that the population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside of its historic range; and

(4) Evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics from other populations of the species.

A population segment needs to satisfy only one of these conditions to be considered significant. Evidence with respect to any one of these scenarios may allow the Service to conclude that a population segment can be significant to the taxon to which it belongs. Furthermore, the Service may consider other information relevant to the question of significance, as appropriate.

Lastly, if we determine that the population is both discrete and significant, then the DPS Policy requires an analysis of the population segment's conservation status in relation to the ESA's standards for listing (addition to the list), delisting (removal from the list), or reclassification (i.e., is the population segment endangered or threatened?). A detailed discussion is then presented for the five listing factors for each DPS as required by the ESA. For each of the potential DPSs, we analyze, using the best scientific and commercial data available and taking into consideration the conservation efforts of foreign nations, whether the five listing factors, individually or collectively, under section 4(a)(1) of the Act impact the population segment such that it meets the definitions of a threatened or endangered species or qualifies for removal from the Federal Lists of Endangered and Threatened Wildlife.

The broad-snouted caiman has a continuous range from Argentina to Bolivia, Brazil, Paraguay, and Uruguay (see *http://www.regulations.gov,* Appendix A in Docket No. FWS–R9–ES–2010–0089). We evaluated the status of this species to determine if two distinct population segments exist (one in Argentina, and the other in Bolivia, Brazil, Paraguay, and Uruguay) under the DPS Policy because the species' range spans several countries and its conservation status varies by country. We evaluated the species in this manner specifically for two reasons. First, the Government of Argentina petitioned us to reclassify the species in Argentina to threatened. Second, in Argentina, this species is listed in Appendix II of CITES, and in the rest of its range (Bolivia, Brazil, Paraguay, and Uruguay), it is listed in Appendix I of CITES. The significance of this

distinction is that these two populations may be subject to different management regimes and may have different conservation statuses. Thus, we considered whether these two populations meet the discreteness and significance criteria under our DPS policy, and then whether these two potential DPS's of the broad-snouted caiman still meet the definition of endangered, whether either or both should be reclassified to threatened, or whether either population segment has recovered and is no longer either endangered or threatened.

Discreteness

In the first step in our DPS analysis, we determine whether there are any populations that are discrete in relation to the remainder of the taxon to which it belongs. A DPS may be considered discrete if it meets the criteria described above under Distinct Population Segment Analysis. Recognition of international boundaries when they coincide with differences in the management, status, or exploitation of the species under the ESA is consistent with CITES, which recognizes international boundaries for these same reasons.

Physical, Physiological, Ecological, or Behavioral Factors

There are no studies or information that indicate there are physical, physiological, ecological, or behavioral characteristics that would contribute to separateness between the Argentine population and the population in Bolivia, Brazil, Paraguay, and Uruguay. The Paraguay River connects the broad-snouted caiman populations in Argentina, Bolivia, Brazil, and Paraguay. The Uruguay population of the broad-snouted caiman is connected to the Argentine and Brazilian populations through the Uruguay River basin (Borteiro *et al.* 2006, p. 103). Broad-snouted caiman populations are also connected through the Paraná and São Francisco River systems of northeast Argentina, southeast Bolivia, Paraguay, and northeast Uruguay. This is a wide-ranging species that occurs primarily in freshwater environments such as lakes, swamps, and slow-moving rivers. It is connected via the major river systems that flow through the species' range, and we have found no information indicating separateness between the Argentine population and the population occurring in the remainder of the species' range due to physical, physiological, ecological, or behavioral factors. Therefore, we did not find either population segment is discrete based on this factor.

Moreover, we are not aware of any quantitative data of genetic or morphological discontinuity to indicate separateness between the two populations. Because of their interactions through interconnected river systems and a current range that mirrors their historical range, we find that the two populations overlap, allowing for genetic intermixing. Therefore, these two population segments cannot be delineated based on physical, physiological, ecological, or behavioral factors.

International Differences in Species' Conservation Status

Under our DPS policy, consideration may be given to utilizing international boundaries in establishing discreteness when differences in management, conservation status, or control of exploitation of the species exist between these population segments as a consequence of national legislation. Thus, we analyze below whether any of these differences exist that are significant in light of section 4(a)(1)(D) of the ESA.

Argentina

Two clear differences in the exploitation, management, habitat conservation status, or regulatory mechanisms of this species exist between Argentina and the remainder of its range. This species is intensely managed in Argentina. Due to its improved status in the wild, it is listed in Appendix II of CITES. In contrast, this species is not intensively managed in the remainder of its range, and it continues to be listed in Appendix I of CITES in the range countries outside of Argentina. The primary reason this species was protected by the ESA and CITES was because of the decrease in population numbers due to overutilization (see discussion under Factor B in the Evaluation of Factors Affecting the Species section below). However, Argentina's management regime has resulted in an increase in this species' population such that harvest for international trade may be conducted sustainably under proper management.

Although all of this species' range countries have national protected-species and protected-areas legislation under the jurisdiction of specific ministries or departments that control activities that impact the broad-snouted caiman and its habitat, Argentina's national legal framework is particularly robust (see Factor D discussion). In 1990, Argentina began a joint government-private initiative to recover this species in the Santa Fe Province (Jenkins *et al.* 2004, pp. 25–28; Verdade 2010, pp. 18–20). This program was ratified by Provincial Law 4830, Articles 22 and 37 (CITES CoP 10, Proposal 10.1), and subsequently expanded in scope. Now there are seven government-approved broad-snouted ranching programs within four provinces. This initiative began in order to increase this species' population size and to be able to sustain commercial harvest. In the proposal to transfer this species from CITES Appendix I to Appendix II, the proposal noted that although the primary threat was initially overutilization, the more recent and significant threat was habitat loss (CITES Cop 10, Proposal 10.1). The proposal indicated that a method to reduce the threat of habitat loss is to put an economic value on the species' habitat, so that the local communities and farmers would not drain the land (degrade the species' habitat). Thus, Argentina's caiman egg harvesting program began creating incentives for locals to protect and conserve habitat for the broad-snouted caiman (see Factor D discussion below).

This species is also protected through national legislation (Law 22.421 and Decree 691/81), administered by the Dirección Nacional de Fauna y Flora Silvestres. The Government of Argentina is adequately enforcing its legal frameworks, both at the national and international levels. The species has significantly increased in density since the caiman ranching program began in 1990, and its range has expanded into areas where it had not been seen prior to 1990. In the Santa Fe Province, for example, the number of nests identified increased from 14 in 1990 to 304 nests in 2002 (Jenkins *et al.* 2004, p. 27). The monitoring reports indicate that Argentina's management of the species is resulting in an upward trend in this species' population. Argentina submits reports in accordance with CITES and is an active participant in the IUCN's Crocodile Specialist Group, particularly for this species. The management of this species has led to significant improvement in the status of the species in Argentina, which has been demonstrated through monitoring and reporting (Jenkins *et al.* 2004, pp. 25–28; Verdade *et al.* 2010, pp. 18–20).

Due to Argentina's management, the population of broad-snouted caiman is now widespread and abundant throughout its range in Argentina. It is relatively common in suitable habitat in the provinces of Formosa, Santa Fe, Corrientes, and Salta. While some habitat loss and degradation remain in Argentina, these threats have been reduced, as explained in our five-factor

analysis below. The best available information strongly suggests that the caiman population in Argentina is increasing, while the population trend in the other range countries is unclear (Verdade *et al.* 2010, pp. 18–19).

Bolivia, Brazil, Paraguay, Uruguay

Within each of these countries, there a wide variability in the amount of information available about the species and its management and monitoring (Borteiro *et al.* 2006; Larriera *et al.* 2008, p. 152; Verdade *et al.* 2010, p. 20). This species is listed in Appendix I of CITES in these range countries, which means that international trade originating from these countries of broad-snouted caiman, including its parts and products, for primarily commercial purposes is prohibited. To our knowledge, none of these countries has submitted proposals to change the status of this species under CITES to the less restrictive Appendix II listing (*http://www.cites.org,* accessed July 7, 2011). Although this international trade restriction is in place for range countries other than Argentina, we remain concerned about habitat loss, and the status and management of wild populations, in the range countries outside of Argentina.

In the remainder of this species' range (Bolivia, Brazil, Paraguay, and Uruguay), these governments either have not demonstrated an ability to adequately enforce their legal framework, or there is no population trend or monitoring data about the species to indicate the status of the species in these countries is improving. We found little to no information about the status of the species in these countries. This was supported by the most recent report on the status of the species prepared by the IUCN's Crocodile Specialist Group (Verdade *et al.* 2010, pp. 18–19). The best available information indicates that this species in these countries is still subject to unmitigated pressures such as destruction of habitat due to human encroachment, construction of dams, conversion of habitat to agriculture, and, in some cases, illegal hunting. Conservation actions for this species may not be a priority in these other range countries, and these countries may be facing economic issues, high levels of poverty, hunting pressure, and conversion of caiman habitat to other uses. The lack of funding and personnel often makes enforcement of their legal frameworks challenging. As a result of differences in exploitation, management, habitat conservation status, or regulatory mechanisms, the broad-snouted caiman in Bolivia, Brazil, Paraguay, and Uruguay remains in CITES' Appendix I. Based on these differences in the control and management of habitat and exploitation as delineated by international boundaries, we consider the population in Bolivia, Brazil, Paraguay, and Uruguay to be a separate discrete population.

Conclusion on Discreteness

We have determined, based on the best available information, that the population of broad-snouted caiman in Argentina is discrete from the population in Bolivia, Brazil, Paraguay, and Uruguay due to the significant difference in the control of exploitation, management of habitat, conservation status, and regulatory mechanisms between international boundaries. We conclude that these two populations—(1) the population in Argentina and (2), the population in Bolivia, Brazil, Paraguay, and Uruguay—of the broad-snouted caiman meet the requirements of our DPS Policy for discreteness.

Significance

If a distinct population segment is considered discrete under one or more of the conditions described in the DPS policy, its biological and ecological significance will be considered in light of Congressional guidance (see Senate Report 151, 96th Congress, 1st Session). In making this determination, we consider available scientific evidence of each discrete population segment's importance to the taxon to which it belongs. As precise circumstances vary considerably from case to case, the DPS policy does not describe all ways that might be used in determining the biological and ecological importance of a discrete population. However, the DPS policy describes four possible scenarios that provide evidence of a population segment's biological and ecological importance to the taxon to which it belongs (see additional discussion above under Distinct Population Segment Analysis).

A population segment needs to satisfy only one of these conditions to be considered significant. Furthermore, other information may be used as appropriate to provide evidence for significance. Having determined that the population of broad-snouted caiman in Argentina is discrete from the population in Bolivia, Brazil, Paraguay, and Uruguay, we then determine the significance of these two discrete populations to the taxon. We evaluate the biological and ecological significance based on the available scientific evidence of each population segment's importance to the taxon to which it belongs. A population's biological significance is evaluated based on the principles of conservation biology using the concepts of *redundancy, resiliency,* and *representation (*see Redford *et al.* 2011 for additional information on these concepts). These concepts also can be expressed in terms of four viability characteristics: Abundance, spatial distribution, productivity, and diversity of the species.

Persistence in a Unique Ecological Setting

The broad-snouted caiman is a wide-ranging species that occurs primarily in freshwater environments such as lakes, swamps, and slow-moving rivers. Its habitat in Argentina is typical of the species' habitat throughout its range (including Bolivia, Brazil, Paraguay, and Uruguay). We do not have any evidence to indicate that the Argentine population of the broad-snouted caiman occurs in habitat that includes unique features not used by the taxon elsewhere in its range. Therefore, we conclude that neither the discrete population of broad-snouted caiman in Argentina nor the discrete population in Bolivia, Brazil, Paraguay, and Uruguay is ''significant'' as a result of persistence in a unique or unusual ecological setting.

Differences in Genetic Characteristics

No data have been located that indicate that the Argentine population and the population in the remaining range countries are each significant based on genetics (Villela *et al.* 2008, pp. 628–635). Our knowledge across the range countries is sparse with respect to genetic diversity of the broad-snouted caiman. However, a 2008 study indicates that genetic flux (genetic flow between members of a species) occurs; the species remains fairly connected through the major waterways within its range. River channels are important routes to crocodilian dispersal. The Paraguay River joins Brazil, Bolivia, Paraguay, and Argentina, and the populations of this species are connected in part through this river. The populations of this species are also connected between Uruguay and Argentina via the Uruguay River, which is the border between these two countries.

Additionally, a 2006–2007 survey in Brazil found that *C. latirostris* is widely distributed throughout the São Francisco River basin, and its distribution pattern indicates that the populations within the river basin are not fragmented (Filogonio *et al.* 2010, p. 964). The genetic variations of broad-snouted caiman were found to be

closely related to patterns of these river basins, and indicated that there was no significant correlation between genetic variation and genetic distance (Villela *et al.* 2008, p. 6). This species is not only a mobile species but is also flexible in its habitat preferences. The river basins within its range appear to be sufficiently connected, despite any habitat modifications. There is no other information available that indicates there are significant differences in the populations. Based on the best available information, we have determined that the Argentine population of the broad-snouted caiman does not have any genetic characteristics that are markedly different from the population in Bolivia, Brazil, Paraguay, and Uruguay.

Gap in the Taxon's Range

The loss of a DPS could result in a significant gap in the range of a taxon, indicating that a population segment represents a significant resource warranting conservation under the ESA (61 FR 4724). The Ninth Circuit Court stated ''[t]he plain language of the second significance factor does not limit how a gap could be important'' (*National Association of Home Builders* v. *Norton,* 340 F.3d 835, 846 (9th Cir. 2003)). Thus, we consider ways in which the loss of each discrete population of the broad-snouted caiman might result in a significant gap in the range of species. Its range is estimated as follows: 28 percent in Argentina, and 72 percent in the remainder of its range (4 percent in Bolivia, 58 percent in Brazil, 8 percent in Paraguay, and 2 percent in Uruguay) (Larriera pers. comm. 2011).

Argentina

We considered whether the loss of the Argentine DPS would constitute a significant gap in the range of the species. In 2006, the population of broad-snouted caiman in Argentina was estimated to be 13 percent of the potential global population. The species is distributed in nine provinces in the northern part of Argentina. It is increasing its range within Argentina, moving into habitat where it had not been seen since the caiman ranching program began. It has been observed in a variety of habitats and waterways including rivers near waterfalls, freshwater creeks with rocky bottoms, and in agricultural and cattle impoundments.

In Argentina, human impact on the species has been reduced since 1990 through educational programs and incentives, which have served to minimize habitat loss. The caiman ranching program (see discussion under Factor A below) has resulted in improvements in the quality of the species' habitat (such as the decrease in draining of wetlands), thereby increasing the range and population size of the species. Its rate of survival in Argentina far surpasses the normal survival rate of this species in the remainder of its range due to the ranching program (described below). Reports indicate that the Argentine population of this species is increasing. The captive-held stock reported in 2010 was 39,624 (Larriera *et al.* 2010, p. 1), and the density of caiman surveyed in the wild has increased substantially (Piña *et al.* 2009, pp. 1–5) since surveying began in 1990—in 2010, 7,768 hatchlings were produced.

Argentina is the only range country for the broad-snouted caiman that actively manages and conserves the species and its habitat. This is accomplished by harvesting eggs, hatching the young, raising them to an age where they are more able to escape predators and other threats, and returning between 5 and 10 percent of those hatchlings to the wild (Verdade et al. 2010, p. 20). Each nest in the wild can contain between 18–50 eggs, and in cases where multiple caiman share a nest, up to 129 eggs have been found in one nest (Larriera 2002). Due to their method of reproducing, the nests are vulnerable to predation, and up to 95 percent mortality can occur, even before hatching (Hutton 1984 in Larriera *et al.* 2008, p. 154). This method of reproduction also lends itself to easy egg collection. When the eggs are removed from the wild, incubated, and the juveniles are allowed to grow in a captive environment where they are safe from predators, it greatly improves their chances of survival.

Experts indicate that returning at least 5 percent of the hatchlings to the wild increases the species' survivability, as it mitigates for the high incidence of mortality that occurs in the wild even prior to hatching (Bolton 1989, Ch. 4, p. 1). Most caiman mortalities occur either before hatching or during the first few months after hatching due to factors such as flooding or nest predation (Bolton 1989, Ch. 4, p. 1). The release of these caiman at a later age significantly increases their chances of survival, primarily due to the hatchlings' increased ability to escape predators and their ability to survive other factors such as nest flooding, fire ants, and exposure to pesticides. Because Argentina releases hatchlings into the wild after an age they are most susceptible to predators and flooding events, the population has a greater chance of survival in the wild than broad-snouted caiman hatchlings in the other range countries. This increase in survivability further distinguishes the Argentine population from rest of the species' range and greatly contributes to the resiliency (abundance, spatial distribution, and productivity) to the species as a whole.

Argentina's wild caiman population is also well distributed; in Argentina the broad-snouted caiman reaches Entre Rios, Misiones, Salta, Santiago del Estero and Jujuy (Yanosky, 1990, 1992; Larriera, 1993; Waller and Micucci, 1993; Larriera and Imhof, 2000). Its extensive distribution within the country is attributed to the fact that it has more climatic tolerance than other caiman species (Waller and Micucci, 1992). The Argentine population is considered abundant and increasing compared with the population in Bolivia, Brazil, Paraguay, and Uruguay. In Argentina, this species is moving into habitat where it had not been seen in many years, which increases the potential environmental variability within the range of the species. Argentina's broad-snouted caiman population helps contribute to the viability of the species overall, and it is providing a margin of safety for the species to withstand catastrophic events, strengthening the redundancy of the species. This expansion allows for adaptations in response to variations in the environment.

The abundance of this species in Argentina contributes to the potential diversity of the species, particularly since Argentina constitutes the southernmost part of its range. Because it is at the edge of its range, this population may improve its adaptive capabilities, particularly if there is a significant gradient in temperature within the range of the species. Because the Argentine population is more robust than in the other range countries, the loss of the Argentine population would result in a significant gap in the range of the species, particularly because it is believed to consist of over a quarter (approximately 28 percent) of the species' range.

Argentina's active management efforts affect the quality of the species' habitat, which subsequently contributes to the species' resiliency. Based on the increase in density as evidenced by the population counts, the significant increase of hatchlings reared in captivity and subsequently released, and the expansion in range, we find that the population of the broad-snouted caiman in Argentina significantly contributes to the resiliency of the species.

We found that the success of the caiman ranching program has created a robust, healthy, sustainable, increasing population in Argentina. This distinguishes the Argentine population from rest of the species' range, where it is not being intensely monitored and managed to the point where it is self-sustaining. The factors in Argentina, including the increase in density and population counts; large numbers of caiman collected from the wild, reared in captivity, and subsequently released; and expansion in range, all contribute to the resiliency, representation, and redundancy of the species and its overall viability.

Thus, the loss of the Argentine population would create a significant gap in the current range of the species. Based on this evaluation of this population's biological significance, we found that the broad-snouted caiman in Argentina is significant to the species as a whole. We, therefore, conclude that the population of broad-snouted caiman in Argentina is significant under the DPS policy because it contributes to the redundancy, resilience, and representation of the species such that the loss of this DPS would result in a significant gap in the range of this taxon.

Bolivia, Brazil, Paraguay, and Uruguay

Because the species is widely distributed within these countries and these countries constitute approximately 72 percent of the species' range, the Bolivia, Brazil, Paraguay, and Uruguay population is significant under the DPS policy because it also contributes to the redundancy, resilience, and representation of the species such that the loss of this population would also result in a significant gap in the range of this taxon.

Conclusion on Significance

We have determined, based on the best available information, that the population of broad-snouted caiman in Argentina is significant to the taxon and the population in Bolivia, Brazil, Paraguay, and Uruguay is also significant to the taxon because the loss of each discrete population segment would create a significant gap in the current range of the species. Based on this evaluation of each population segment's significance, we found that each is significant to the species as a whole.

Conclusion of DPS Analysis

Under the DPS policy, once we have found that a population segment is discrete and significant, we then evaluate whether the potential DPS warrants endangered or threatened status under the ESA, considering the factors enumerated under section 4(a)(1) and the statutory definitions for an ''endangered species'' and ''threatened species.'' Based on our evaluation under the DPS Policy, we have established two distinct population segments of the broad-snouted caiman. The first is the population in Argentina, and the second is the population in the remainder of its range: Bolivia, Brazil, Paraguay, and Uruguay. We will refer to this second population as the ''Northern DPS.'' On the basis of the best available information, we conclude that each of these two population segments meets the requirements of our DPS Policy for discreteness and significance. These two DPS's are each discrete due to the significant differences in the management of habitat, conservation status, exploitation, and regulatory mechanisms between the international boundaries of Argentina and the species in the rest of its range: Bolivia, Brazil, Paraguay, and Uruguay. These two discrete population segments are clearly defined by international governmental boundaries and these other differences.

The robustness of the population in Argentina significantly contributes to the biological and ecological health and viability of the species as a whole. Argentina is the only country actively managing the broad-snouted caiman. It also is the only country actively working with local people to create financial incentives to protect the broad-snouted caiman and its habitat. Argentina's implementation of its ranching program increases the species' survivability success, which further distinguishes the Argentine population from the rest of the species' range. The species was reclassified to Appendix II in Argentina, allowing for commercial trade in accordance with the provisions of CITES. Due to Argentina's intense management of this species, the survivability rate of the Argentine population is far higher than in the other countries within this species' range. This difference is further supported by the fact that broad-snouted caiman in Bolivia, Brazil, Paraguay, and Uruguay remains listed in Appendix I of CITES. Appendix I includes species threatened with extinction which are or may be affected by trade, while the population in Argentina no longer meets the criteria for an Appendix I listing.

In summary, we find that these two population segments meet our DPS policy for significance because the loss of either population would result in a significant gap in the range of the taxon. Based on our analysis, we find that these two populations meet the criteria for discreteness and significance under the DPS Policy due to (a) differences in management delineated by international boundaries, and (b) a loss of either population segment (28 percent of its range in Argentina and 72 percent of its range in Bolivia, Brazil, Paraguay, and Uruguay) would result in a significant gap in the range of the taxon.

Evaluation of Factors Affecting the Species

Section 4(b) of the ESA and regulations promulgated to implement the listing provisions of the ESA (50 CFR part 424) set forth the procedures for listing, reclassifying, or removing species from listed status. We may determine a species to be an endangered or threatened species because of one or more of the five factors described in section 4(a)(1) of the ESA; we must consider these same five factors in removing species from listed status. Revisions to the list (adding, removing, or reclassifying a species) must reflect determinations made in accordance with these same five factors and the ESA's definitions for endangered and threatened species. Section 4(b) requires the determination of whether a species is endangered or threatened to be based on the best available science. We are to make this determination after conducting a review of the status of the species and taking into account any efforts being made by foreign governments to protect the species.

For species that are already listed as endangered or threatened, this analysis of threats is an evaluation of both the threats currently facing the species and the threats that are reasonably likely to affect the species in the foreseeable future following the delisting or downlisting and the removal or reduction of the ESA's protections. Under section 3 of the ESA, a species is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range and is ''threatened'' if it is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The word ''species'' also includes any subspecies or, for vertebrates, distinct population segments.

Following is a range wide threats analysis in which we evaluate whether the broad-snouted caiman is endangered or threatened in the Argentine DPS and in the DPS which consists of Bolivia, Brazil, Paraguay, and Uruguay, which we will refer to as the Northern DPS.

Factor A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Habitat destruction and modification has increased throughout the species' range and is now likely the greatest factor affecting the survival of the broad-snouted caiman (Verdade *et al.* 2010, pp. 18–19). The overharvest for commercial purposes, rather than habitat destruction or modification, was the primary reason for the broad-snouted caiman's inclusion in CITES and subsequently being listed under the ESA. The analysis of the five factors under the ESA requires an investigation of both current and future potential factors that may impact the species, including the present or threatened destruction, modification, or curtailment of its habitat or range. We found that data on habitat destruction were generally presented separately for each individual country. Therefore, the following analysis of the potential threats to the species from habitat destruction or modification generally first presents the specific information available for broad-snouted caiman in each country, and then summarizes the information that is available for the two DPSs.

Argentine DPS

Since the early 1800s, Argentina's economy greatly depended on cattle grazing; however, over the past 10 years, Argentina has undergone significant changes in land use. With respect to habitat modification, some changes have positive effects and some have negative effects. Although this species has been shown to occupy disturbed habitat, much of the species' original range in Argentina has been altered, and significant alteration is expected to occur in the future due to the conversion of cattle pastures to monocultures such as soy, which is generally not desirable habitat for the species. In some areas in Argentina, habitat destruction has significantly increased in recent years (Verdade *et al.* 2010, p. 19). Argentina has lost substantial forested areas, and conversion of caiman habitat to other uses is likely to further affect the broad-snouted caiman's habitat in Argentina. In some cases, habitat modification actually has positive effects on the caiman (such as the creation of water impoundments, for example). Landowners commonly channelize wetlands to increase grazing land for cattle; however, it is unclear whether this has an overall positive or negative effect on the species. The practice of drying swamps (potential caiman habitat) through channeling occurs in its habitat, particularly for producing soybeans, but alternatively, the formation of water impoundments may have positive effects (Larriera *et al.* 2008, p. 152).

The world market for soy is causing the conversion of pastures to soy monocultures. Soy is now Argentina's main export crop, and Argentina is the world's third largest producer of this commodity (USDA, Foreign Agricultural Service (FAS) 2010a, p. 11). Argentina's shift toward soy has displaced cultivation of many grains and vegetables as well as beef production. Many established cattle ranches are being sold to soy investors. For example, in Salta Province, potential conversion to soy cropland in Northern Argentina may exceed over one million hectares (USDA FAS 2010b, p. 1). Soy now covers approximately 16.6 million hectares, more than half the country's cultivated land (USDA FAS 2010b, p. 10). The large scale production of soy requires the application of fertilizers and pesticides. Cattle feed primarily on established introduced grasses but native grasslands also persist in pastures, especially along wetland edges, which benefits caiman and its habitat. As a result of this change in habitat use from traditional cattle grazing to primarily soy production in many areas, significant changes in the habitat and landscape occur which affect caiman to the point that its former habitat is no longer suitable.

Adding to this problem of habitat conversion is that Argentina's management of its resources is decentralized. Provincial and municipal governments have autonomy, property rights are respected, and federal authority is relatively limited. This is particularly evident in control over property with respect to the conservation of natural resources, land use, and protection of the environment. In this decentralized system, there is very little comprehensive land use planning at all levels of government. Regulatory mechanisms that exist at the national and provincial levels are seldom coordinated and are sometimes contradictory and inefficient.

Although habitat conversion is currently impacting the species, suitable broad-snouted caiman appears to exist, and the species is expanding into new sites, in part due to intense management of this species through Argentina's caiman ranching programs. For example, as of 2004, surveys indicated that the broad-snouted caiman population in Santa Fe Province increased 320 percent since the project began (Larriera and Imhof 2006). Observed wild population densities increased from an average of between 2 and 8 individuals per km in 1990, to between 20 and 120 individuals per km during the 2008–2009 survey period (Larriera and Siroski 2010, p. 2). The distribution of the wild population has expanded into areas from which the species had formerly disappeared (Larriera *et al.* 2005).

Increases have been observed in the relative abundance of the species in Argentina due in part to active management programs (see Factor D discussion). These caiman conservation and public awareness programs have resulted in less habitat alteration (e.g., burned grass) and less drained marshland for cattle production in the nesting areas (Larriera and Imhof 2006). While these programs are helping, increases in habitat conversion to agriculture, roads and transportation, and infrastructure to transport crops such as soy continue (USDA FAS 2010b, p. 2). Without additional incentives and intervention, suitable habitat for this species will decrease. Although it is mitigated by provincial governments through the caiman ranching program, habitat destruction and modification in Argentina are likely to continue in the foreseeable future. Despite the intense management of this species in Argentina, we conclude that the present or threatened destruction, modification, or curtailment of its habitat or range continues to be a factor affecting the broad-snouted caiman.

Summary of Factor A for the Argentine DPS

In most of the range of this species, the habitat threats are very similar; however, a country's management actions (refer to Factor D discussion) affect the status of the species. In Argentina, habitat conversion to agriculture continues to cause habitat degradation within the broad-snouted caiman range, although this is being mitigated through the caiman ranching program. Habitat conversion is expected to increase and further degrade this species' habitat. The population numbers in the wild have significantly increased since this species was listed. Data collected on the distribution and abundance of the species indicate that the species' range has expanded, and overall population numbers appear to be increasing (Larriera and Imhof 2006). As of 2004, surveys indicate that the broad-snouted caiman population in Santa Fe Province, Argentina, increased 320 percent since the project began (Larriera and Imhof 2006). Observed wild population densities here increased from an average of 2 to 8 individuals per

km in 1990, to 20 to 120 individuals per km in 2008–2009 (Larriera and Siroski 2010; p. 2). The distribution of the wild population has also expanded into areas from which the species had formerly disappeared (Larriera *et al.* 2005). However, the degradation and destruction of this species' habitat continues to occur in Argentina. Therefore, based on the best available information, we find that the population in Argentina continues to be threatened by the destruction, modification, or curtailment of its habitat now and in the future.

Bolivia, Brazil, Paraguay, Uruguay DPS (Northern DPS)

In Bolivia, the broad-snouted caiman is at the edge of its range. Broad-snouted caiman have been found in the Pando Department in the Pilcomayo River area, a tributary of the Paraguay River, and in the Tarija department. Here, key threats, particularly in broad-snouted caiman habitat, include loss, conversion, and degradation of forests and other natural habitats and pollution of aquatic ecosystems (Byers *et al.* 2006, p. vi). Particular to this species, both agriculture and pollution have been indicated to be significant threats. In Bolivia, vast areas have been drained for agricultural purposes (also see the discussion under Factor E).

During the 1980s and early 1990s, deforestation in lowland Bolivia exceeded 1,500 km^2 (579 mi^2) per year (Steininger *et al.* 2001, pp. 856–866). Currently, about 300,000 ha (741,316 ac) of forest is lost each year for a variety of reasons, including expansion of agriculture due both to large-scale industrial agriculture and to small-scale development and cultivation; large-scale infrastructure projects (roads, dams, energy infrastructure); expanding coca production; forest fires; illegal logging; and climate change causing changes in geographical and altitudinal distribution of species and ecosystems (Byers *et al.* 2006, p. vi).

Factors such as low land prices and economic policies promoting an export economy have led to a rapid increase in the growth of the private agricultural sector (Pacheco 1998). Both large-scale and small-scale farmers contribute to the expansion of the agriculture and livestock frontier, and both thrive in the near absence of regulatory oversight and control (Byers *et al.* 2008, p. 22). In Bolivia, large tracts of land have been cleared particularly for sugarcane plantations and soybean production (Aide and Grau 2004, p. 1915; Pacheco 2004, pp. 205–225). The highest abundance values of this species were recorded in ''atajados'' (dikes) and artificial ponds. The deforestation to the north and east of Santa Cruz is primarily due to large-scale agro-industry, whereas the areas of deforestation around Pando and Beni tend to be mainly a result of small-scale development and clearing. Large-scale agriculture responds mainly to external market demands (e.g., biofuels, sugarcane, soy; principally from the United States, Brazil, and Argentina), while smaller farmers respond mainly to the domestic market.

The government actively promotes the development of infrastructure projects in the Bolivian lowlands, in particular extensive road construction and improvement (Byers *et al.* 2008 p. 22). Road projects in northwest Bolivia are being considered, including paving of the ''Northern Corridor,'' which is part of the Peru-Brazil-Bolivia hub of the Initiative for Integration of Regional Infrastructure in South America (IIRSA, *http://www.iirsa.org*).

Contamination of water bodies due to sugar mills, which empty their waste into the Rio Grande (Aparicio and Rios 2008, p. 114), also occurs. Sugar mills are commonly known to produce high levels of air and solid waste pollutants as byproducts (U. S. Environmental Protection Agency [EPA] 1997, 26 pp). Waste water from sugar mills can rapidly deplete available oxygen in water creating an inhospitable environment for aquatic life and for species that depend on aquatic environments. Researchers believe that one population of broad-snouted caiman is probably not reproductively active due to water pollution (Aparicio and Rios 2008, p. 115). In the Bermejo River sub-basin in Tarija, Bolivia, there was an absence of nests and a low number of individuals recorded during nest counts. This particular area borders wetlands and estuaries in Argentina, where higher quality suitable habitat is available for the species (OSDE 2005b, p. 2) and is likely less polluted and disturbed by humans. Because the Bermejo River sub-basin in Bolivia faces threats due to sugarcane plantations and contamination from sugar mill activities, it is not likely to sustain a healthy population of broad-snouted caiman.

Although natural resource managers recognize the importance of wetlands (Byers *et al.* 2008, p. 14), economic considerations usually outweigh concerns regarding habitat loss and destruction in Bolivia. The activities described under this factor, such as agricultural production and expansion, sugar mill activities, roads, and other infrastructure development, affect broad-snouted caiman habitat. Its habitat is primarily being affected due to agriculture and pollution. Based on the above factors, we find that the present or threatened destruction, modification, or curtailment of its habitat or range continues to be a factor affecting this species in Bolivia.

In Brazil, agriculture, pollution, and hydroelectric dams have been indicated to be significant factors affecting the species (Verdade *et al.* 2010, p. 1). In this country, vast areas have been drained for agricultural purposes. The effects from agricultural activities include destruction of nests and eggs by machinery and loss of access to traditional nesting or feeding sites) leading to habitat loss or fragmentation. Pollution has been a considerable problem in rivers that flow through Brazil's large cities. São Paulo, Brazil's largest city, is in the center of the species' range in Brazil. The species exists here in artificial reservoirs, ponds, marshes, and small wetlands. Construction of large hydroelectric dams (Verdade *et al.* 2010, p. 19) to support Brazil's human population has been indicated to be one of the primary threats to broad-snouted caiman. Most of the natural wetlands of the Paraná and São Francisco River systems in Brazil have been dammed for these hydroelectric stations. Construction of dams can have severe impacts on ecosystems (McCartney *et al.* 2001, p. v). For example, a dam blocks the flow of sediment downstream. During construction of dams, disturbance to soils at the construction site is one of the largest concerns. This leads to downstream erosion and increased sediment buildup in a reservoir.

Because the construction of the Jupifi and Ilha Solteira Dams in the 1970s caused the loss of a significant amount of floodplains of the Paraná River, a survey was conducted prior to construction of the Porto Primavera Dam (also known as the Engineer Sérgio Motta Dam). The Porto Primavera Dam is 28 km (17 mi) upstream from the confluence of the Paranapanema and Paraná Rivers. This dam created the Porto Primavera Reservoir and was filled in two stages: The first in December 1998, and the second in March 2001. The purpose of the survey in 1995 was to determine what species would be affected by the construction. The survey was done in the Paraná River basin between São Paulo and Mato Grosso do Sul states. The number of caiman nests found during the survey indicated that at least 630 reproductive females were present at that time. The presence of so many nests suggested a large total population (Mourão and Campos 1995, pp. 27–29) in that area.

After the study was completed, a recommendation was made to create a reserve to protect habitat downstream of the dam; however, it is unclear whether a reserve was established as a result of the dam being constructed.

With the construction of Porto Primavera Dam, the last floodplains of the Paraná River within the state of São Paulo disappeared, and with them, the wild animals dependent on wetlands for survival also disappeared. Lakes, swamps, and seasonally flooded areas contribute to hydrological ecosystem processes by retaining water and mitigating flooding. These wetlands and lakes are important ecosystem components and are particularly important to the broad-snouted caiman. When altered, they no longer are capable of supporting their unique assemblages of species and maintaining important ecological processes and functions upon which the caiman relies. Caiman use the São Francisco River main channel and its tributaries as dispersion routes; however, populations of individuals of all age and sizes occur mainly in lakes, ponds, or swamps. Studies on the impact of the construction of large hydroelectric stations and how they affect the density and reproduction of broad-snouted caiman populations were conducted using aerial surveys (Mourão and Campos 1995, pp. 27–29). The surveys indicated major damage of the habitat due to these dams. An unusual finding with respect to caiman was that researchers found that the destruction of floating vegetation is particularly destructive. This is likely because floating vegetation is used by caiman for nest construction.

In 2001, the government of Brazil launched a plan for the São Francisco River basin in order to minimize human impacts and implement restoration efforts (Andrade 2002 in Filogonio *et al.* 2010, p. 962). This was a huge undertaking involving federal and local governments, nongovernmental organizations (NGOs), universities, and the public. An initial report was issued in 2005 that indicated that progress had been made in terms of identifying these four issues to be addressed: (1) River basin and coastal zone environmental analysis; (2) public and stakeholder participation; (3) organizational structure development; and (4) watershed management program formulation. As of 2005, the studies and projects had all been completed (*http://www.oas.org/osde,* accessed March 9, 2011). However, the implementation process was still underway as of 2011 (*http://www.ana.gov.br/gefsf,* accessed March 9, 2011).

Caiman habitat is still severely degraded in Brazil. Broad-snouted caiman in the São Francisco River basin occur not only in preserved habitats but also in habitats altered by humans. This attests to the species' highly flexible nature. Researchers even found broad-snouted caiman in sewage and urbanized areas, showing that the species is fairly resistant to human impacts and that habitat modification has varied effects on the species' distribution. The data indicated that habitat modification may be a variable in determining the small size of these natural populations, rather than affecting the species' distribution pattern, at least in Brazil (Filogonio *et al.* 2010, p. 964). A 2006–2007 survey found that most of the surveyed sites presented some degree of human impact (Filogonio *et al.* 2010, p. 962). Habitat modification included: Conversion to pasture in 46 surveyed localities (72 percent), roads (25 localities; 39 percent), urbanization (23 localities; 36 percent) and monocultures (Filogonio *et al.* 2010, p. 962). Of the areas surveyed, broad-snouted caiman was present (positively identified as broad-snouted caiman rather than a different caiman species or unknown caiman species) in 39 localities surveyed (61 percent), and was widely distributed along the river basin. Its presence was detected in all lentic water body types, in the three biomes: Cerrado, Caatinga, and Atlantic Forest (Filogonio *et al.* 2010, pp. 963–964). However, the researchers did not attempt to estimate population size. They observed a number of populations with low numbers of individuals, which were scattered throughout the survey sites. During 2006 and 2007 surveys, researchers found the presence of caiman species in only 17 municipalities in 64 locations along the São Francisco River basin in Brazil.

The density data found in Brazil were similar to that found by Borteiro (2006, 2008), who also found broad-snouted caiman widespread in Uruguay, occurring in 29 of the 36 localities surveyed (81 percent of the sampled areas). Caiman in Brazil were observed in lotic (actively moving water) habitats, and considering that river channels are important routes to crocodilian dispersal, it is logical to predict not only physical movement of *Caiman latirostris* throughout its range, but also genetic flux within the river basin. The distribution pattern in Brazil indicates that the populations within the river basin are not fragmented, but seem to exist in low numbers. Despite this data, information regarding population trend data and the health of the species overall in Brazil is lacking. The construction of hydroelectric dams and associated habitat degradation such as pollution and environmental degradation is currently affecting broad-snouted caiman and its habitat. Pollution is a severe problem; caiman habitat overlaps São Paulo, Brazil's largest city, and the polluted rivers that flow through Brazil's large cities.

Although a plan was initiated in 2001 to address issues associated with the construction of the dam in central caiman habitat, 10 years later, there is no evidence that caiman habitat has improved in Brazil, nor does it appear that caiman are a main concern of the plan. There is very little current information available regarding this species in Brazil. Based on the best available scientific and commercial information available, we find that the present or threatened destruction, modification, or curtailment of this species' habitat is a factor affecting the species.

In Paraguay, no recent data are available specifically for this species. However, we do know that over the past 60 years, widespread and uncontrolled deforestation practices have continued throughout Paraguay, particularly in the eastern region (World Land Trust 2009, p. 1). In 1945, 8.8 million ha (21,745,273 ac) of forest covered this region, but currently it is estimated that less than 1.6 million ha (3,953,686 ac) remain (Huerta 2011, p. 1). Most of Paraguay's tropical moist forests are in the eastern region of the country near the Paraná River. This river is 4,880 km (3,032 mi) in length and extends from the confluence of the Grande and Paranaíba rivers in southern Brazil. It runs through the Atlantic rainforest, also known as Mata Atlântica. The Atlantic Forest stretches from northeast Brazil along the Brazilian Atlantic coastline into Uruguay, inland into the northeast portion of Argentina and eastern Paraguay, and partially overlaps the range of the broad-snouted caiman. Imhof (unpubl. 2006) estimated that 7 percent of the species' range is in Paraguay. Within Paraguay, the Atlantic Forest has been under increasing pressure from development. In Paraguay, the Atlantic Forest is reduced to one large tract, San Rafael, and increasingly numerous scattered and fragmented small patches. More than half of the original area of the Atlantic rainforests had been degraded by the turn of the last century, and more recently only one percent was found to be still in its original state (Wilson 1988, in Rivas *et al.* 1999, chapter 5). Conservative estimates have placed the

remaining forest cover in Paraguay at approximately 6 percent of its original cover (IUCN 1988a). Factors affecting this remaining forest cover include fragmentation and acceleration of large-scale agriculture and ranching projects, commercial logging, and the construction of hydroelectric dams such as the Itaipu hydroelectric dam on the borders of Paraguay and Brazil (Rivas *et al.* 1999, ch. 5).

Habitat destruction has increased throughout the species' range in Paraguay, and is believed to be one of the greatest factors affecting its survival in Paraguay (Verdade 1998, pp. 18–19). Approximately 98 percent of Paraguay's population lives in Paraguay's eastern region, with a population density of 18.6 per km^2, compared with 0.2 per km^2 in the western (Chaco) region. A contributing factor is that in the eastern region, the soil is more suitable for cultivating crops; therefore, cattle production, forestry products, and agricultural crops are widespread in the range of this species in Paraguay. Paraguay's main agricultural exports are soybeans and cotton (Harcourt and Sayer 1996; USDA FAS 2010, p. 2). Although overharvest of caiman for commercial purposes was the primary reason for this species being listed under the ESA, rather than habitat destruction or modification, factors affecting the species have changed. Now, the largest threat appears to be habitat destruction or modification due to agriculture and development of urban infrastructure, which still occur to a large extent in Paraguay, particularly within the range of broad-snouted caiman. Paraguay implemented a Zero Deforestation Law as of 2004; however prior to that law, its rate of deforestation was the second highest in the world (WWF 2006, p. 1). Despite the enactment of this law, the best available information indicates that this habitat destruction and modification still significantly affect this species. We have no indication that conditions have improved in Paraguay since this species was listed under the ESA; rather, habitat loss has increased. Therefore, we find that the present and threatened destruction, modification, or curtailment of its habitat in Paraguay continues to be a factor affecting broad-snouted caiman.

In Uruguay, very little information has been collected about how habitat degradation affects the broad-snouted caiman. Based on available information, current factors affecting the species' habitat in Uruguay are likely due to agriculture and cattle ranching, which occur within this species' range. Cattle and sheep farming in Uruguay occur in 60 percent of Uruguay's land (Food and Agriculture Organization of the United Nations [FAO], p. 4). Other agricultural activities, such as fodder for cattle and crops such as rice, consist of approximately 20 percent. Secondary, related effects related to agriculture are habitat degradation and pollution due to pesticide use, erosion, and altered ecosystems. Surveys conducted in the early 2000s indicate that caiman exist in manmade habitats in northwestern Uruguay. However, the current amount of suitable habitat for this species in Uruguay is unknown. Researchers suggest that the apparent increase in this species' population (discussed by Borteiro *et al.*) may be due to the construction of agriculture impoundments, which provide habitat for broad-snouted caiman (Borteiro *et al.* 2008, p. 248). In the area surveyed to determine caiman presence and abundance, impoundments were being used mainly for irrigation of rice (69 percent) and sugar cane crops (31 percent) in the Naquiñá stream basin. In the Lenguazo stream basin, 80 percent was used for irrigation of sugar cane and 20 percent was used for other food crops.

Two other factors that likely affect caiman habitat here are drought and hydroelectric dams (United Nations Environment Programme [UNEP] 2004, pp. 78–85; Borteiro *et al.* 2008, p. 248; Verdade *et al.* 2010, p. 20). Uruguay has experienced severe drought in the past few years (IPS NEWS 2011), which has had a significant effect on agriculture and cattle production, and this likely also affects caiman habitat. The construction and existence of hydroelectric dams to generate electricity may be an additional factor affecting the broad-snouted caiman (UNEP 2004, pp. 78–85). Uruguay is highly dependent on hydroelectricity, and these hydroelectric dams are within broad-snouted caiman habitat. Although we know these activities occur within the range of the broad-snouted caiman in Uruguay, there is very little information regarding the status of the species in Uruguay. We have no evidence that there has been any change to the status of the species in Uruguay. We do not know population trends of this species in Uruguay, and agricultural activities, drought, and hydroelectric dams affect this species' habitat. There is no information to indicate that habitat modification or destruction has decreased such that the population trend is stable or increasing. Researchers here recommend surveys of broad-snouted caiman at a larger scale in northern Uruguay to assess the usage of manmade habitats by caiman in order to apply this knowledge to caiman conservation and management strategies. Given the lack of evidence that indicates that Uruguay's population of broad-snouted caiman has either increased or has stabilized since its inclusion under the ESA, we find that the present or threatened destruction, modification, or curtailment of its habitat or range continues to be a factor affecting the species in Uruguay.

Summary of Factor A for Bolivia, Brazil, Paraguay and Uruguay (Northern DPS)

In most of the range of this species, the habitat threats are very similar; however, a country's management actions (refer to discussion under Factor D) may affect the status of the species. In Bolivia, Brazil, Paraguay, and Uruguay, although these countries are making progress with conservation laws with respect to habitat modification and destruction (see Factor D discussion), habitat loss continues to occur. Increasing human populations, development of hydroelectric projects, and draining of wetlands have caused habitat degradation. Conversion of broad-snouted caiman habitat to agricultural plantations commonly occurs in these countries, and there is no evidence that there are adequate management plans for this species in place in these countries. Although the species is widespread, we have no information to indicate that the status of the species has changed in these four countries, and there is little to no population trend information available in these countries. Based on a review of the best available information, we find the destruction, modification, or curtailment of its habitat or range in these four countries is a continued threat to the species.

Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The overharvest for commercial purposes was the primary reason for the broad-snouted caiman's inclusion in Appendix I of CITES and subsequent listing under the ESA. The species suffered due to effects of unregulated exploitation between 1930 and 1980. Protections were put in place because the species had suffered substantial population declines throughout its range due to overexploitation through the commercial crocodilian skin trade. Under this factor, we examine how overutilization within each country has changed since the species was listed under the ESA, and then we discuss this factor with respect to international trade and its regulation through CITES.

Argentine DPS

In Argentina, illegal hunting was widespread through the late 1980s, but decreased in the early 1990s (Micucci and Waller 1995, pp. 81–108) due to the proliferation of caiman ranching programs and the enforcement of national and provincial regulations (see Factor D discussion). Between the 1940s and early 1990s, reports indicate that more than 700,000 caiman skins were produced from Corrientes Province in Argentina (estimated in Micucci and Waller (1995) in Piña *et al.* 2010, p. 4). Some of these skins were illegally obtained; however, since 1998, there has been no report of illegal hunting (Larriera *et al.* 2008, p. 143). Since the species was listed both under CITES and the ESA, a significant change in public perception and awareness regarding this species has occurred. Now, the species is managed sustainably in Argentina (Jelden 2010, pers. comm.; Verdade *et al.* 2010, p. 19; Woodward 2010, p. 3). Local people participate in caiman ranching programs in which they locate nests and harvest eggs from these nests (Larriera *et al.* 2008; Verdade *et al.* 2010, p. 19) and take them to captive-rearing facilities. The harvest is monitored and documented by the government-registered ranching programs. These individuals, primarily cattle-ranchers, are financially compensated for the eggs. The communities within the range of the broad-snouted caiman have an understanding of the caiman ranching program, and they no longer illegally hunt these animals because individuals earn an income from harvesting eggs. This is due in part to a long-standing public awareness program and significant community involvement in protecting this species (Larriera *et al.* 2008, p. 145).

The Government of Argentina has had a long history of research and active management of its population of the broad-snouted caiman, particularly since 1990. Currently, there are seven ranching programs registered with the federal government in Argentina. Three of them function as educational programs, with no commercial exploitation. The noncommercial ranching operations are in Entre Ríos, Chaco, and Corrientes Provinces. There are four commercial ranching programs: two in Formosa Province, one in Corrientes Province, and one in Santa Fe Province. The ranching programs in Formosa, Corrientes, and Chaco are for both the broad-snouted caiman and yacare caiman. The programs in Entre Ríos and Santa Fe are for only broad-snouted caiman. Each ranching program showed an increase in the number of eggs collected since the program began. This indicates an upward trend in population numbers.

Ranching Programs in Argentina

On cattle ranches in Argentina, landowners commonly channelize the wetlands to increase grazing land for cattle. Although such conversion of wetlands for cattle grazing may result in suitable habitat being available for caiman because it creates water impoundments, most habitat preferred by the caiman (swamps with heavy vegetation) is considered unproductive agricultural land. In the past, the swampy areas had been drained for conversion to agricultural lands. However, by placing an economic value on preserving caiman habitat through compensation from the ranching program, habitat destruction can be reduced. Additionally, by providing monetary compensation to ranch employees for each nest they locate, there is incentive for ranch owners and employees to protect the wetlands and caiman nesting areas (Larriera 2011, p. 90). As of 2006, there had been a 30 percent increase in the caiman nesting areas on cattle ranches where caiman egg harvest occurs (Larriera *et al.* 2006). For example, the caiman nesting area of the Lucero Ranch (Estancia) in Santa Fe Province was 830 ha (2,051 ac) in 1990, and increased to 1,060 ha (2,619 ac) in 2004. Larriera suggests that one reason for the increased population density may be due to a decline in the practice of burning and drying wetlands for economic reasons, in addition to the dispersion of female broad-snouted caiman into new habitat due to the caiman ranching program.

In the wild, as many as 60 to 70 percent of the eggs do not hatch (Smith and Webb 1985; Woodward *et al.* 1989, p. 124). Estimated survival of hatchlings in the wild has been as low as 10 to 20 percent, depending on environmental conditions (e.g., frost and predation can alter survival (Aparicio and Rios 2008, p. 109); see discussion under Factor C below). In order to increase survival rate of American alligators, the practice of egg collection has been implemented to preclude embryo mortality due to factors such as depredation, flooding, and desiccation (Woodward *et al.* 1989, p. 124). In the Argentina ranching program, to increase survivability, young caiman are reintroduced to their former nesting site after they have passed critical life stages in which they are more susceptible to factors such as predation and nest flooding (Larriera 2003). Removal and incubation of eggs taken from the wild increases hatchling survivability because the larger the caiman is, the greater likelihood it has of long-term survival in the wild (Woodward *et al.* 1989, p. 124).

High mortality can occur during the first few weeks of incubation in the wild; one study found that highest embryo mortality of alligator eggs occurred between days 7 and 16 of incubation (Joanen and McNease 1987 in Woodward *et al.* 1989, p. 124). In the caiman ranching programs in Argentina, the practice is to remove all eggs from all the nests in collection areas that are accessible and not flooded, burned, depredated, or necessary for survival studies (Larriera 1995). Between the months of December and January, eggs are collected soon after laying. Caiman managers pay cattle ranch employees for each located nest, and each nest is assigned a number. The nests are marked so that young hatched and reared in captivity can be returned to the same area. Each ranching program maintains records of how many eggs are collected, how many are reared, and how many individuals are later released back into the wild (Larriera et al 2008, pp. 158, 164).

Artificial incubation has been demonstrated to not only enhance hatch success but also early development of hatchlings (Joanen and McNease 1987 in Woodward *et al.* 1989, p. 124; Ferguson 1985). For example, small temperature variances can be used to accelerate the growth of hatchlings. Animals reared at a slightly higher temperature (22.4 °C; 72.3 °F) grow faster than those maintained at a lower temperature (18.2 °C; 65 °F) (Piña and Larriera 2002, pp. 387–391). For broad-snouted caiman, eggs incubated at 29 or 31 °C (84–88 °F) produced 100 percent females, while at 33 °C (91 °F) 100 percent males were produced.

Young are marked by removing selected caudal scutes corresponding to hatch year and nest origin. Hatchlings are raised for 9 months in concrete pools until November, when some are removed for reintroduction to the original nest site. The decision on how many young will be retained in captivity for commercial production; as well as how many will be reintroduced to the wild depends on the status of the wild population in the area from which the eggs were harvested. Argentina provides reports to the CITES Secretariat in accordance with CITES Resolution Conf. 11.16 (See Larriera et al 2010; Larriera et al 2008a). If there is a high population density in the wild, more young are retained and raised for commercial purposes.

Chaco Province

El Cachapé Wildlife Refuge (Refugio de Vida Silvestre El Cachapé) is a conservation and sustainable-use project developed through an agreement between a private landowner and Fundación Vida Silvestre Argentina in Chaco Province. The project was established in 1996, for the ranching of both yacare and broad-snouted caiman (Cossu *et al.* 2007, p. 330), and it also conducts ecotourism activities. El Cachapé is in the center of the harvest area, and encompasses 1,760 hectares (ha) (4,349 acres (ac)). Between 1998 and 2004, the Chaco program collected 4,867 eggs and released 1,236 yearlings (Larriera and Imhof 2006) within the Chaco Province. A population survey conducted over 60,000 ha (148,263 ac) of the harvest area in Chaco Province indicates that there was an average density of 4.0 individuals of *Caiman latirostris* per km during the 1999–2000 study period (Prado 2005), but we are unaware of any additional data collected since that time. This conservation ranching program is working towards increasing population numbers of this species in the Chaco Province (Verdade 2010, pp. 18–22).

Corrientes Province

An experimental program in Corrientes Province was established in 2004, based on an agreement between a company called Yacaré Porá S.A. and the Dirección Provincial de Recursos Naturales (Provincial Directorate of Natural Resources, Corrientes Province). The experimental program initially included population surveys to determine the feasibility and biological sustainability of a commercial ranching program and a small-scale collection of eggs (Jenkins *et al.* 2006, p. 27; Micucci and Waller 2005). The numbers of broad-snouted caiman nests in three study areas were surveyed. In nesting seasons 2004–2005 and 2005–2006, one area maintained its number of nests and the other two areas showed increases resulting in a total of 165 nests observed in the first season; and 265 nests observed in the second season (Larriera *et al.* 2008). The first egg collection was conducted in 2005 (Jenkins *et al.* 2006, p. 27). In late 2010, 500 hatchlings were released. As of 2010, there were 4,736 hatchlings and 12,793 individuals over one year in age in captivity (Larriera 2010, p. 1).

Formosa Province

The program in Formosa Province (in the most northern part of the species' range in Argentina) was established in 2001, based on an agreement between a company called Caimanes de Formosa S.R.L. and the Dirección de Fauna y Parques de Formosa (Directorate of Wildlife and Parks of Formosa) under the Ministry of Production (Jenkins *et al.* 2006). The first egg collection in Formosa Province was in 2002. The Formosa program collected 13,050 eggs between 2002 and 2004, and released 1,265 young (Larriera and Imhof 2006). Surveys of the combined yacare caiman and broad-snouted caiman populations in Formosa have indicated that the wild population densities have increased from a range of 2.3 to 66 individuals per km in 2002 (Siroski 2003; Siroski and Piña 2006), to 22 to 238 individuals per km in 2008 (Piña *et al.* 2008).

Santa Fe Province

The Santa Fe program (in the southernmost part of the species' range in Argentina) is the largest of the approved programs; this province has the largest population of broad-snouted caiman in the wild in Argentina. Proyecto Yacaré, in the province of Santa Fe, Argentina, was established in 1990, with an agreement between the Ministry of Agriculture of the Province of Santa Fe and a nongovernmental organization called Mutual del Personal Civil de la Nación (Benefit of Civil Personnel of the Nation) to improve the conservation status of the broad-snouted caiman and its wetland ecosystem (Larriera and Imhof 2000). The northern part of the Province of Santa Fe contains 80 percent of the wild broad-snouted caiman population in Argentina. Early on, the Caiman Specialist Group (CSG) identified ranching programs in Argentina as a high priority for species conservation (Verdade 1998, pp. 18–19). It described the program in Santa Fe Province as a model for other Argentine provinces where habitat still remains and the wild population is large. In 1999, the management for sustainable use of broad-snouted caiman reached a commercial scale (Verdade 1998, pp. 18–19).

Between 1990 and 2004, the Santa Fe program harvested 1,410 of 1,945 identified nests and produced 35,197 hatchlings from 47,948 eggs (Larriera and Imhof 2006). Of the hatchlings that survived, 15,120 yearlings were returned to the wild and 14,046 were retained for commercial use (Larriera and Imhof 2006). The number of nests found in the collection area increased from 14 (1990–1991) to 439 (2003–2004), resulting in an increase from 372 to 12,031 eggs collected per year during the same time period (Larriera and Imhof 2006). Mean clutch size in Santa Fe Province has been reported to be 35 eggs per nest, and the natural incubation period is around 70 days (Larriera and Imhof 2000).

As of 2004, monitoring the wild population in the collection areas indicated that the broad-snouted caiman population in Santa Fe increased 320 percent since the project began (Larriera and Imhof 2006). Observed wild population densities increased from an average of 2 to 8 individuals per km in 1990, to 20 to 120 individuals per km in 2008–2009 (Larriera and Siroski 2010, p. 2). This program has resulted in increased numbers of broad-snouted caiman in the wild in areas surveyed and in an expansion of nesting areas (Larriera and Imhof 2000, 2006; Larriera *et al.* 2006). The distribution of the wild population has expanded into areas from which the species had formerly disappeared (Larriera *et al.* 2005).

International Trade and Regulation Under CITES

CITES provides varying degrees of protection to more than 32,000 species of animals and plants that are traded as whole specimens, parts, or products. CITES regulates the import, export, and reexport of specimens, parts, and products of CITES-listed plant and animal species (also see discussion under Factor D). Trade is managed through a system of permits and certificates that are issued by the designated CITES Management and Scientific Authorities of each CITES Party (*http://www.cites.org*). In the United States, the Scientific and Management Authorities reside in the U.S. Fish and Wildlife Service.

Under CITES, a species is listed in one of three appendices; listing in each Appendix has a corresponding level of protection relative to the regulation of trade through different permit requirements (CITES 2007). Appendix II allows for commercial trade and includes species requiring regulation of international trade in order to ensure that trade of the species is compatible with the species' survival. At times a species may be listed as endangered under the ESA, and concurrently listed under Appendix II of CITES, rather than the more restrictive Appendix I, which does not allow trade of wild specimens for primarily commercial purposes. Although CITES Appendix II allows for commercial trade, in order for specimens of this species to be traded internationally, a determination must be made by the Management and Scientific Authorities of the country of export that the specimens were legally obtained; the living specimen will be prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment, and the export will not be

detrimental to the survival of the species in the wild. CITES Appendix I includes species that are threatened with extinction and which are or may be affected by trade. Appendix I has a further restriction that a CITES import permit must be issued by the importing country after making findings that the specimen will not be used for primarily commercial purposes, that the import will be for purposes which are not detrimental to the survival of the species, and that the proposed recipient of living specimen is suitably equipped to house and care for it.

The World Conservation Monitoring Centre (WCMC) at UNEP manages a CITES Trade Database on behalf of the CITES Secretariat. Each Party to CITES is responsible for compiling and submitting annual reports to the CITES Secretariat regarding their country's international trade in species protected under CITES. The trade database (*http://www.unep-wcmc.org/citestrade*) indicates that between 2000 and 2009, 11,837 broad-snouted caiman parts and products (primarily leather and skins), plus an additional 1,210 kilograms (2,662 pounds) of such parts and products were exported. The vast majority of exports were from Argentina, and the database did not indicate any trends in the trade data to cause concern. There were very few exports from the other range countries during the period reviewed.

With this final reclassification rule and accompanying 4(d) rule, the DPS of broad-snouted caiman in Argentina will be listed as threatened, and commercial exports of broad-snouted caiman products from Argentina to the United States will be allowed without an ESA permit, provided that certain conditions are met. We do not believe this potential increase in international trade is likely to threaten or endanger wild broad-snouted caiman based on Argentina's management and monitoring of the caiman ranching program. However, the DPS of broad-snouted caiman in Bolivia, Brazil, Paraguay, and Uruguay will continue to be listed as endangered under the ESA, and the species' parts and products from these range countries will still be regulated under CITES Appendix I.

Summary of Factor B for Argentine DPS

In Argentina, the legal harvest does not appear to have negative impacts on the species based on reported harvest, nest counts, and egg harvest trends (Larriera *et al.* 2010, pp. 1–2; Larriera and Siroski 2010, pp. 1–5). We believe that adequate protections are in place under Federal and provincial law and regulations in Argentina. Broad-snouted caiman that hatched in captivity and were released near their former nesting site have successfully matured and reproduced in the wild (Larriera *et al.* 2006). For example, during the summers of 2001 and 2002, seven females released as part of Proyecto Yacaré were recaptured while attending their nests. The females were between 9 and 10 years old at the time of capture. Their clutch sizes and hatching success were similar to those of wild females of unknown age also captured during the season. This indicates that released ranched yearlings can survive and reproduce at least as successfully as their wild counterparts, and have a greater rate of survival.

Research also indicates that this practice of releasing a percentage of captive-hatched juveniles is a valuable management tool for crocodilian species. Mortality of eggs and hatchlings in the wild can exceed 95 percent (Hutton 1984 in Larriera *et al.* 2008, p. 154). Releasing them into the wild at an age of 8 to 10 months, rather than at hatching, has been shown to enhance their chances of survival (Elsey *et al.* 1992, p. 671). Survivorship in juvenile alligators has been shown to be a function of size, with survivorship increasing as size increases (Woodward *et al.* 1989, p. 124).

Egg collection and density surveys indicate that wild populations in the collection areas are increasing (Larriera *et al.* 2010). Despite the fact that all accessible nests are harvested in the collection areas the Santa Fe program has resulted in higher population densities of broad-snouted caiman in the wild. Increased reproduction in released animals, a greater number of nests located and harvested, and the observation of broad-snouted caiman in areas where they had been extirpated (Larriera and Imhof 2006; Larriera *et al.* 2008, pp. 143–172) have also been observed. What may be most important to the survival of the broad-snouted caiman, however, is that nesting areas are now protected by local inhabitants who have an economic interest in maintaining the wild populations. Due to public awareness programs and monetary incentives for locals who collect eggs, there has been no report of illegal harvest since 1998.

Ranching program reports indicate increased population numbers in Argentina of this species based on nest counts and egg harvest reports (Jenkins *et al.* 2006, pp. 26–27). For example, in the 1991 season in Santa Fe, 10 nests were harvested, 14 nests were located, and 237 hatchlings were produced. In 2003, 228 nests were located, 304 were identified, and 5,638 hatchlings were produced (p. 27). The current population survey methods used in Argentina are not entirely reliable as a tool for establishing direct relationships with populations in the wild, but they provide a general idea of the increase in caiman numbers. Micucci points out that the information provided directly by nest counts and night surveys is more reliable and direct than egg harvest counts, at least in environments with large fluctuations in water mass, which is the case of this species, particularly in Argentina (2010 pers. comm.). Although there is not accurate population trend data for this species in the wild (Micucci 2010 pers. comm.), we consider the egg harvest data to be the best available information and data collected indicate an upward trend in population numbers for this species.

A secondary concern in the management of this species in Argentina is there may be inadequate oversight by provincial governments when extracting eggs from nests and tracking the origin of these eggs (this also applies to Factor D, the *Inadequacy of Regulatory Mechanisms*). Additionally, the level of independent or outside evaluation of the ranching programs in Argentina is unclear and there may be a lack of transparency in monitoring. This may be indicative of a need for stronger involvement by the provincial and federal governments, or the need for a stronger legal framework at the provincial level to regulate or monitor these activities. However, despite these concerns, the reports on the broad-snouted caiman conservation program in Argentina do indicate that the population is increasing, and the program is being actively monitored by the government of Argentina.

The species is not overutilized in Argentina, and overutilization is unlikely to be a factor affecting the population in the future. Annual reporting under CITES may alert us to any overutilization in Argentina. However, based on a review of the best available information, and in the absence of conflicting information, we find no evidence that overutilization for commercial, recreational, scientific, or educational purposes is a threat to the broad-snouted caiman throughout its range in Argentina.

Bolivia, Brazil, Paraguay, and Uruguay (Northern DPS)

One of the primary threats to the species before it was listed in CITES Appendix I in 1975 was uncontrolled international trade. International trade primarily for commercial purposes is restricted from Bolivia, Brazil, Paraguay, and Uruguay due to the species'

Appendix I status under CITES. The UNEP–WCMC trade database did not indicate any unusual trends in the species' trade with respect to these countries.

Beginning in the 1940s, the broad-snouted caiman was hunted commercially for international trade in its leather, which is commonly reported to be of higher quality than that of other caiman species (Brazaitis 1987 in Verdade *et al.* 2010, pp. 1–2). However, since the time the species has been protected by CITES and the ESA, this is no longer a factor affecting the species in these countries (see WWW.UNEP–WCMC CITES trade database at *http://www.unep-wcmc.org/citestrade*).

In Bolivia, caiman is used for its fat, meat, and leather products (Aparicio and Rios 2008, p. 112). It is also killed due to fear by humans. In the Chaco province of Bolivia, there were reports of the species attacking and killing pigs and other small cattle (Pacheco in Embert 2007, p. 55), but these incidences do not seem to occur frequently. No other recent data are available in Bolivia for this species.

In Brazil and Uruguay, small amounts of illegal harvest are reported to still occur in some areas (Verdade *et al.* 2010, p. 19) (Borteiro *et al.* 2006, p. 102). In northeastern Brazil, illegal hunting still supplies local markets for meat in small cities along the São Francisco River basin. The meat is sold as salted carcasses like codfish, and is actually called ''São Francisco codfish'' (Verdade 2001a). Hunting for meat also occurs in some parts of Uruguay (Borteiro *et al.* 2006, p. 104). However, species experts concluded that illegal hunting is no longer a major factor affecting the species due to improved protection, costs and consequences of illegal hunting, and the availability of legal skins (Verdade 1998, pp. 18–19). Historically, caiman was commonly hunted for its meat. Many fishermen also killed caiman because caiman fed on the fish in their fishing nets, and caiman would destroy their nets (Filogonio *et al.* 2010, p. 964). Thus, current levels of hunting pressure may have only localized impacts.

In Paraguay, in the past, the broad-snouted caiman may have been subject to greater hunting pressure than *Caiman yacare* because the quality of its skin is considered better quality (Scott *et al.* 1990, pp. 45–46). Hunting was almost uncontrolled through 1990, and some caiman populations almost disappeared. However, small residual populations were increasing in size when last surveyed in places where they and their habitat were protected (Scott *et al.* 1990, pp. 45–46).

In Uruguay, broad-snouted caiman was never legally hunted for commercial purposes (Verdade 1998, pp. 18–19), although illegal hunting has been observed (Borteiro *et al.* 2006, p. 97). Uruguay's standard of living, literacy rate, and large urban middle class are reported to be quite high compared with other countries within this species' range (*http://www.state.gov,* accessed March 14, 2011), which may account for the lack of commercial hunting in this country. There is no indication that this species is overutilized in Uruguay.

Summary of Factor B for the Bolivia, Brazil, Paraguay, and Uruguay (Northern DPS)

Domestic use of the broad-snouted caiman occurs within the Northern DPS still occurs, but levels remain low. Any incidence of hunting or harvest that may occur does not significantly affect the species. Based on a review of the best available information, and in the absence of conflicting new information, we find that overutilization for commercial, recreational, scientific, or educational purposes is no longer a threat to the broad-snouted caiman in Bolivia, Brazil, Paraguay, and Uruguay.

Factor C. Disease or Predation

Argentina

There is little information on diseases that affect wild broad-snouted caiman (Jacobson 2007; Huchzermeyer 2003). In 1999, the Field Veterinary Program of the Wildlife Conservation Society and Fundación Vida Silvestre Argentina studied the health of caiman populations in the wild and in captivity at the El Cachapé ranching operation in Chaco Province, Argentina. There was a very low incidence of pathogens and no evidence of infectious disease found. Health conditions of ranched and wild animals continue to be monitored in Argentina (Uhart and Moreno 2000; Uhart *et al.* 2000).

There is naturally a high level of predation on eggs and hatchlings. In the wild, an average of 60 to 70 percent of the eggs do not hatch, usually due to nest flooding or predation (Larriera 2003; Hutton 1984). One study found that the rate of depredation in a low rainfall season was significantly higher than normal seasons resulting in over half of the nests being depredated in some areas (Larriera and Piña 2000). During dry seasons, high predation may occur due to easier access to nests, and the increased distance between the nest and the water. This may also be in part due to less maternal attention when the mother is in the water. At such times, up to 50 percent of entire clutches in forest nests and 80 percent of clutches along levees and dykes can be consumed by predators (Larriera and Imhof 2006). Predators of eggs and hatchlings include herons *(Ardea cocoi),* storks *(Ciconia ciconia),* crested caracaras *(Caracara plancus),* iguanas *(Tupinambis merianae),* and carnivorous mammals such as the South American gray fox *(Pseudalopex griseus)* (Larriera and Imhof 2006). Other research found that no more than 10 percent of the hatchlings typically survive to adulthood (Larriera and Imhof 2006). This level of mortality from predation is considered normal in caiman populations.

In Argentina, methods are taken to minimize the effects of predation. To decrease the death rate due to predation, ranched young are returned to the wild only after they are past the critical first year during which the risk of predation is greatest (Larriera and Imhof 2006). Even when nests are depredated, females can rebuild these nests (Larriera and Piña 2000). Clutch sizes can be as high as 129 eggs in a good year (Larriera 2002, p. 202). Although disease and predation are sources of mortality, it is not a limiting factor for population growth, caiman populations are continuing to increase in Argentina.

Summary of Factor C for the Argentine DPS

Disease and predation normally occur in populations, and the best available scientific and commercial information does not indicate that either of these factors negatively affects the broad-snouted caiman in Argentina such that they rise to the level of threats to the species. Neither disease nor predation is a significant factor affecting this species. Therefore, we do not find that disease or predation threatens this distinct population segment of the broad-snouted caiman, now or in the future.

Bolivia, Brazil, Paraguay, and Uruguay (Northern DPS)

In the range countries of Bolivia, Brazil, Paraguay, and Uruguay, there is no indication that disease and predation are affecting the broad-snouted caiman such that this factor threatens the species. Therefore, we do not find that disease or predation threatens this population segment of the broad-snouted caiman.

Factor D. The Inadequacy of Existing Regulatory Mechanisms

Argentine DPS

The broad-snouted caiman was listed in Appendix I of CITES on July 1, 1975.

This listing (also refer to the Factor B discussion) requires strict regulation of international movement of this species, which may only be authorized in ''exceptional circumstances,'' and international trade for primarily commercial purposes is prohibited. In 1990, ''Projecto Yacaré'' was implemented in Argentina based on a concept of conservation through sustainable use of broad-snouted caiman. The objective of the program was to improve the status of the population by creating incentives for landowners and by increasing public awareness in the local communities to encourage the increase of caiman populations. Another objective was to conserve natural wetlands on which caimans depend (Larriera *et al.* 2008a, pp. 143–145). This program also reintroduces captive-raised individuals to the wild. Since the government of Argentina began the management and monitoring of the Argentine population of broad-snouted caiman, population monitoring for Argentina has indicated an upward trend. Through this program, a significant increase in egg collection and harvest has occurred in the wild; over 30,000 hatchlings from eggs collected have been released into the wild since the program began.

On September 18, 1997, at the 10th meeting of the Conference of the Parties (''CoP10''), the Argentine population of broad-snouted caiman was transferred to Appendix II based on a proposal from Argentina. The proposal described the increased population status of the species in Argentina and a ranching program that had contributed to its population increase (CoP10 Doc. 10.86, CoP10 Prop. 10.1, Government of Argentina 1997). Appendix II allows for regulated commercial trade as long as the exporting country finds that the specimens were legally acquired and that the activity is not detrimental to the survival of the species. A Resolution on a universal tagging system for the identification of crocodile skins was adopted by the Parties at CoP9, held in 1994. Exported skins must be tagged according to the CITES Resolution on a universal tagging system (Resolution Conf. 11.12 (Rev. CoP15)).

At CoP10 (1997, Harare, Zimbabwe), the CITES Secretariat reported that, to its knowledge, all range countries were effectively implementing the Universal Tagging System Resolution. *Caiman yacare* skins and products originating in Argentina have been imported into the United States with the appropriate CITES tags. This species was downlisted under the ESA in 2000 to threatened status (65 FR 25867, May 4, 2000). Adherence to the CITES tagging requirements has decreased the potential for substitution of illegal skins, which has reduced trade enforcement problems involving the similarity of appearance of skins and products among different species of crocodilians.

According to CITES Resolution Conf. 11.16 (Rev. CoP15), for trade in ranched specimens of species transferred from Appendix I to Appendix II to occur, a ranching program must:

(1) Demonstrate that the program is beneficial to the conservation of the local population;

(2) Identify and document all products to ensure that they can be readily distinguished from products of Appendix-I populations;

(3) Maintain appropriate inventories and harvest-level controls and mechanisms in the program to monitor wild populations; and

(4) Establish sufficient safeguards in the program to ensure that adequate numbers of animals are returned to the wild if necessary and where appropriate.

At the national level, Argentine Law 22.421 prohibits all use of fauna that is not specifically authorized (Micucci and Waller 1995). In 2000, when the experimental operations began commercial production of broad-snouted caiman, Resolution 283/00 was enacted by the Government of Argentina under Law 22.421. This law approves the inter-province transit and export of caiman products from ranching operations that comply with CITES Resolution 11.16, but trade in specimens from any other sources (i.e., not from registered ranching operations) is illegal. Resolution 283/00 also establishes minimum requirements for ranching operations. One of the requirements is that there must be a baseline population study covering at least 40 percent of the province in which the operation is located. The study must be conducted for at least 2 years (Larriera and Imhof 2006). The study results must be approved by the province and then submitted to the national authorities (Dirección de Fauna y Flora Silvestres [Directorate of Wild Fauna and Flora]) for final approval. The Registro Nacional de Criaderos (National Registry of Breeding Centers, Resolution 26/92) lists registered ranching operations. In provinces with nationally approved ranching programs, the provincial government must conduct an annual evaluation of the population status of the species in their province and submit it to the Dirección de Fauna y Flora Silvestres. According to Larriera (pers. comm. 2006), all the surveys are conducted under the supervision of members of the CSG. Ranching operations and harvests of wildlife that are not transported across provincial boundaries or exported are controlled through regulation at the provincial level (Larriera and Imhof 2006).

National Legislation To Implement CITES

Information available to the Service indicates that Argentina has protected-species and protected-areas legislation under the jurisdiction of specific ministries or departments that control activities that impact the broad-snouted caiman and its habitat. The federal legal framework within the Government of Argentina is particularly robust. The CITES National Legislation Project (*http://www.cites.org,* SC59 Document 11, Annex p. 1) deemed that the Government of Argentina has national legislation that is considered Category 1, which means they meet all the requirements to implement CITES. With respect to CITES, based on the trade data (see Factor B discussion) and other data and information available to the Service, Argentina appears to be adequately enforcing international trade through its legal framework.

Summary of Factor D for Argentine DPS

Monitoring indicates that management efforts within Argentina are working. The broad-snouted caiman population in Argentina, based on reports provided to the Service and the CITES Secretariat, that are cited above, appears to be increasing. Some habitat loss and degradation remain in Argentina; however, these threats have been reduced based on intensive management efforts of this species. While we do not have complete population survey information in Argentina, all indications suggest that the wild population is well managed and is increasing. Wildlife such as the caiman can be advantageously used in commerce if management is sufficient to maintain suitable habitats and if harvest is at a level that allows maintenance of healthy and sustainable populations. Broad-snouted caiman, under such conditions, can provide revenue to pay for its own management and stimulate local economies. Therefore, we find that, although the strong management of the species through local programs promoting egg harvest and hatchling release has reduced threats to this species and its habitat, threats (see Factor A discussion) do still exist. With respect to international trade of broad-snouted caiman parts and products, we find that CITES is an adequate regulatory mechanism throughout its range. We will continue to monitor the

status of the species in Argentina; however, based on the best available information, we find that this factor is not a threat to the species in Argentina.

Bolivia, Brazil, Paraguay, and Uruguay (Northern DPS)

Bolivia's current environmental legislative framework represents a significant improvement since the 1992 World Summit on Sustainable Development in Rio de Janeiro, which began a foundation for the sustainable and equitable use of the country's environmental resources and control destructive practices. This framework has had a positive effect on Bolivia's economic development, especially in the forestry sector, where it provided clearly defined roles for institutional oversight and control. To its credit, Bolivia has become the world leader in the area of certified production forests (Byers *et al.* 2008, p. 31). However, management issues in Bolivia still remain. The ratification of autonomy statutes by the Departments of Santa Cruz, Pando, Beni, and Tarija, and their conflict with the National government is currently one of the more contentious issues (Byers *et al.* p. 33). The most important implications of this movement toward enhanced departmental authority and responsibility relate to land-use planning and authority over land tenure matters. This issue is still in flux and this transfer towards decentralized governance could have negative repercussions on the broad-snouted caiman.

With respect to caiman management in Bolivia, a management plan for *Caiman latirostris* population recovery and conservation in Tarija department was proposed for 2006–2009. It is unclear whether the plan was implemented and no updated data have been provided with respect to the species' status in Bolivia (Aparicio and Ríos 2008). The best available information does not indicate that the regulatory mechanisms in place are adequate to sufficiently protect this species. Populations of broad-snouted caiman are still considered to be depleted in Bolivia (Verdade *et al.* 2010, p. 19; Aparicio and Ríos 2008, p. 104). Habitat loss, destruction, and modification (refer to Factor A discussion) are still occurring and are not expected to decrease in the future (Anderson and Gibson 2006, p. 99), thus suggesting that existing regulatory mechanisms are insufficient to ameliorate or remove the threat from habitat destruction.

Brazil is faced with competing priorities of encouraging development for economic growth and resource protection. In the past, the Brazilian government, through various regulations, policies, incentives, and subsidies, had actively encouraged development of previously undeveloped lands in southeastern Brazil, which helped facilitate the large-scale habitat conversions that had occurred throughout the Atlantic Forest (Butler 2007, p. 3; Conservation International 2007c, p. 1; Pivello 2007, p. 2; Ratter *et al.* 1997, pp. 227–228; Saatchi *et al.* 2001, p. 874; Brannstrom 2000, p. 326). These development projects include logging, housing and tourism developments, and expansion of plantations (Butler 2007, p. 3; Ratter *et al.* 1997, pp. 227–228; Barnett *et al.* 2000, pp. 377–378; Saatchi *et al.* 2001, p. 874; Collar *et al.* 1992, p. 776). These projects impact potentially important sites for this species and would affect habitat within and adjacent to established protection areas in Brazil (Collar *et al.* 1992, p. 776; Barnett *et al.* 2000, pp. 377–378). The Brazilian government has encouraged development of dams for hydroelectric power, irrigation, and expansion of agricultural practices, primarily for soybean production (Braz *et al.* 2003, p. 70; Hughes *et al.* 2006, pp. 51–56; Verdade *et al.* 2010, pp. 18–19). Brazil's competing priorities make it difficult to enforce regulations that protect broad-snouted caiman habitat.

In 2003, Brazil established a nationwide research and development program, called Programme for Biology, Conservation and Management of Brazilian Crocodilians (Coutinho and Luz 2008 in Velasco *et al.* 2008, p. 80). The broad-snouted caiman was listed as an endangered species in Brazil until 2003, at which time the species was withdrawn from the Brazilian List of Endangered Fauna (The Brazilian Institute of Environment and Renewable Natural Resources [IBAMA] 2003). Despite these initiatives, we have no information to indicate that regulatory mechanisms exist to effectively limit or restrict habitat destruction for this species. We do not have information indicating that impacts to this species (e.g., development of dams for hydroelectric power, and expansion of agricultural practices, primarily for soybean production) have been or will be adequately addressed through existing regulatory mechanisms at the sites where this species is found or in its habitat. Based on data and information available to the Service, we believe that the existing regulatory mechanisms in Brazil are inadequate to ameliorate the current threats to this species in Brazil.

In Paraguay, the environmental situation has improved; Paraguay has completed many of its governmental reform objectives (USAID 2004, p. 4). However, there are still concerns; land is still being converted to soybean plantations and land ownership is still a concern in Paraguay (USAID 2004, pp. 3, 8). Paraguay's objectives are to achieve more effective regulation and utilization practices. Environmental laws, such as the ''Zero Deforestation Law'' and ''Valuation and Retribution of Environmental Services Law'' have had the most significant impact during the past 5 years. These measures have declared wild areas be protected from the private sector.

While we acknowledge that Paraguay is making significant progress in the conservation of its resources, existing regulatory mechanisms are still inadequate. For example, the area in the northernmost part of Paraguay known as the Alto Paraguay was once a refuge for wildlife such as the caiman. This was primarily due to its isolation and difficulty in accessing the habitat. However, when the Paraguayan government promoted a waterway in the Paraguay–Paraná Basin known as the Hidrovía development project, the Alto Paraguay forest became an area of land speculation. It remains unclear what is occurring in this area now and how this activity may affect the broad-snouted caiman.

There is no evidence that effective protective measures have been undertaken to conserve the broad-snouted caiman. The existing regulatory mechanisms currently in place for broad-snouted caiman in Paraguay do not appear to adequately mitigate the factors affecting the species. In the absence of new information, we find that regulatory mechanisms in Paraguay are inadequate to protect broad-snouted caiman.

Uruguay's richest biodiversity is found in its wetlands. Its economy is highly dependent on exports, and the agricultural sector contributes 11 percent of Uruguay's total gross domestic product (GDP). One of Uruguay's environmental problems is that rice paddies are replacing marshlands and is causing degradation of these ecosystems. While some species are capable of adapting to these human-made ecosystems, environmental degradation is associated with the conversion of natural habitat to rice paddies.

The government has taken steps to address the issue of wetland protection and biodiversity. Uruguay has

developed methods aimed at improving issues associated with rice production such as harmful residue generated during processing of rice and the government is working at methods of reducing the impact caused by residue accumulation. In the past, the rice hulls were burned, which emitted toxic chemicals into the atmosphere and contributed to air pollution. Now, Uruguay is working towards composting the rice hulls, which has minimal environmental impact. Additionally, Uruguay became a member of the Ramsar Convention in 1984, and a member of the Convention on Biological Diversity in 1992, in order to increase protection for wetlands. Uruguay enacted law number 16.170 which directly addresses the conservation of wetlands, and specifically mandates that the areas assigned for wetlands conservation must be respected by rice farmers.

Although Uruguay has made progress in improving its environmental laws and recognizes the importance of protecting its biodiversity, enforcement of its laws regulating protection of this species may still be insufficient in some areas (Brazaitis *et al.* 1996). This has primarily been due to the limited resources available to local enforcement agencies as well as the remoteness and inaccessibility of much of the caiman habitat. We have no information to indicate that the existing regulatory mechanisms effectively limit or restrict habitat destruction for this species. Although Uruguay is making progress in its protection of natural resources, it is unclear how this species is being monitored and managed in Uruguay. We do not have sufficient evidence that impacts to this species (e.g., conversion of wetlands to rice paddies and subsequent environmental degradation that occurs) have been or will be adequately addressed through existing regulatory mechanisms at the sites where this species is found or in its habitat. Based on the best available information, we find that the existing regulatory mechanisms continue to be inadequate to ameliorate the current threats to this species in Uruguay.

National Legislation To Implement CITES in Bolivia, Brazil, Paraguay, and Uruguay

The CITES National Legislation Project (*http://www.cites.org,* SC59 Document 11, Annex p. 1) deemed that the Governments of Brazil and Uruguay have national legislation that is considered Category 1, which means they meet all the requirements to implement CITES. Bolivia was described as being in Category 2, both with a CITES legislation plan and draft legislation, but not enacted, and Paraguay was described as Category 2 with no plan and only draft legislation. Overutilization (unsustainable trade in skins, parts, and products) was the primary reason that this species was listed in CITES Appendix I and also listed as endangered under the ESA. However, now, overutilization is no longer a concern for this species. With respect to CITES, based on the trade data (see Factor B discussion); we find that the governments of Bolivia, Brazil, Paraguay, and Uruguay are adequately enforcing international trade through their respective legal frameworks.

Summary of Factor D for Bolivia, Brazil, Paraguay, and Uruguay (Northern DPS)

With respect to international trade of broad-snouted caiman parts and products, we find that CITES is an adequate regulatory mechanism in Bolivia, Brazil, Paraguay, and Uruguay. However, the best available scientific and commercial information indicates that broad-snouted caiman continues to be threatened by the inadequacy of the existing regulatory mechanisms in Bolivia, Brazil, Paraguay, and Uruguay to ameliorate the effects of habitat loss and degradation. Management efforts vary within the range of broad-snouted caiman. Each country has both unique and overlapping factors that affect the species. In some cases, there was an abundance of information available regarding potential threats to the species, and in other cases, there was little to no information available, particularly regarding the adequacy of regulatory mechanisms with respect to this species.

In Bolivia, Brazil, Paraguay, and Uruguay, the best available information indicates that the primary factor affecting the species is habitat loss (see Factor A discussion). Related to this factor is the inability of the governments, at a national, provincial, or regional level, to adequately enforce mechanisms to address threats. In these countries, there is little monitoring data on broad-snouted caiman. Based on a review of the information available, we were unable to find that regulatory mechanisms are adequate in Bolivia, Brazil, Paraguay, and Uruguay to protect broad-snouted caiman from threats associated with habitat loss.

Factor E. Other Natural or Manmade Factors Affecting Its Continued Existence

Following is a range wide threats analysis in which we evaluate whether other natural or manmade factors affect the continued existence of the broad-snouted caiman throughout its range because the information available is not specific to each DPS. This evaluation is not specific to each country unless specified as such.

Pesticides and Endocrine Disruptors

Approximately 10 to 15 percent of pesticides applied in agricultural activities actually reach target organisms, and the remainder is dispersed into the atmosphere, soil, and water, which can affect broad-snouted caiman (Poletta *et al.* 2009, p. 96). In Argentina, soy, which requires the application of pesticides, occupies approximately 16 million hectares, and land dedicated to soy plantations continues to expand (Larriera *et al.* 2008, p. 165). Studies regarding the genotoxicity of the herbicide Roundup® (glyphosate) have been conducted in Argentina on broad-snouted caiman. Glyphosate is a broad-spectrum herbicide used widely in weed control. In this study, specimens of broad-snouted caiman were exposed to various concentrations and compounds of glyphosate commonly used in agriculture, particularly on soy plantations. Not only did the study demonstrate deformities of caiman due to exposure to glyphosate, but it also resulted in mortalities (Poletta *et al.* 2011, p. 852; Poletta *et al.* 2009, p. 98). One form of glyphosate, Cycloposphamide, in particular, caused malformations in the exposed caiman, causing 90 percent embryo mortality (Poletta *et al.* 2009, p. 97). Another study found that exposure to pesticides decreases hatchlings weight of *Caiman latirostris* (Beldomenico *et al.* 2007, p. 246), which negatively affects species' fitness. This study evaluated responses based on exposure to atrazine and endosulfan, which are commonly used in agriculture. Studies have found that these pesticides, particularly when more than one is applied, have an effect on caiman reproduction (Stoker et al 2011, p. 311; Poletta *et al.* 2011, p. 852; Beldomenico *et al.* 2007, p. 249). Studies suggest that impaired embryonic growth is likely occurring (Poletta *et al.* 2011, p. 858; Beldomenico *et al.* 2007, p. 250).

Potential effects from contamination by pesticides are likely to occur and affect this species in the wild. Commonly used pesticides include aldrin, chlordane, endrin, lindane, methoxyclor, toxaphene, DDT, parathion, endosulfan, Malathion, and carbaryl. Farmers are not well trained in proper application methods, often over-applying agrochemicals, applying them under inappropriate physical or environmental conditions, and not

following appropriate handling, washing, and storage protocols (Byers *et al.* 2008, p. 26). Despite regulations governing the use of these and other pesticides, more oversight is needed to monitor their use and effects on this species. Improper pesticide use is likely to occur throughout the species' range.

In Bolivia, contamination of aquatic systems from agricultural chemicals occurs in some areas, particularly in Santa Cruz and Cochabamba (Byers *et al.* 2008, p. 26). In the lowlands of Santa Cruz Department, for example, where broad-snouted caiman may exist, agro-industrial development is leading to increased use of agrochemicals. Soy, sunflower, cotton, and sugarcane are the main crops, and to a lesser extent coffee, cacao, and rice are grown. Mechanized agricultural production on large areas containing soil that has been depleted of nutrients has led to the increased use of agrochemicals such as fertilizers and pesticides that are often applied by aerial spraying. Although 17 pesticides have been banned in Bolivia, as of 2008, they were still sold in local markets and routinely used (Byers *et al.* 2008, p. 26).

We recognize that pesticides will result in mortalities and decreased fitness in some individuals; however, the best available information does not indicate that pesticides are a significant factor affecting this species. Studies have been conducted in Argentina, where pesticides are used, and reproduction and survival rates of broad-snouted caiman in Argentina currently appear to be robust. Populations are increasing in Argentina, and the species has expanded its range in some areas (Verdade *et al.* 2010, pp. 18–22; Borteiro *et al.* 2008, pp. 244–249). This is an indication of the species' intrinsic resilience and adaptability. Although environmental contaminants such as pesticides and herbicides likely affect individuals, there is no evidence that these contaminants currently pose a threat to the species.

Studies in other crocodile species have been conducted to examine their effects as endocrine disrupters (Rainwater *et al.* 2008, pp. 101–109). Vitellogenin induction is a useful biomarker to examine exposure and response to endocrine disruptors, specifically environmental estrogens. To the best of our knowledge, endocrine disrupters are not a threat to broad-snouted caiman.

We recognize that environmental contaminants may affect individuals, especially given the potential for long-term bioaccumulation of contaminants during the species' life. However, we do not have information or data on the extent of the impact, if any, that environmental contaminants currently have on the species. An inadvertent aspect of the research referenced above indicated that the removal of eggs from the wild and hatching in a captive environment can actually have a beneficial effect. Exposure to environmental contaminants such as pesticides is reduced because eggs are removed from the wild shortly after females lay their eggs. Regardless of this aspect, based on the best available scientific and commercial information available, we currently do not find that exposure to pesticides or other environmental contaminants is a threat to the species.

Human Conflict

Although it is commonly known that human conflict with caiman occurs, this is not a significant factor affecting the species. The most recent survey of broad-snouted caiman by the Crocodile Specialist Group indicates that one of the principal threats to this species is illegal hunting in localized areas (in some states of Brazil, where caiman population is low) (Verdade *et al.* 2010, p. 1). In Bolivia, a survey indicated that 92 percent of individuals said that they hunted broad-snouted caiman to avoid the danger of an attack. This was more common when caiman were found in cattle watering areas such as ponds and agricultural impoundments near homes. However, the actual impacts are unknown; the survey was anecdotal. Most broad-snouted caiman populations in Argentina occur on privately owned wetlands. In Chaco, Argentina, local people have been known to kill caiman, not only for food, but out of fear that these animals will attack them or their livestock and poultry (Aparicio and Rios 2008, p. 112; Prado 2002). Based on interviews with ranchers, landowners and police, it is estimated that approximately 30 to 40 wild caiman per year are killed for food, and about 50 per year are killed out of fear (Larriera 2006, pers. comm.). These killings often occur during the dry season, when caiman move to ponds that are closer to human-populated areas. To counter these fears, biologists have been working with local communities through the caiman ranching project at the El Cachapé Wildlife Refuge in Argentina. One aspect of this program was that they developed an educational campaign in local schools. The students participate in the ranching project on the refuge. The project produced two educational Web sites that describe the conservation and ecology of caiman species in Argentina.

In Argentina, because there is incentive for local communities and villagers in the range of the species to conserve broad-snouted caiman; conflict and killing of caiman for food, although it occurs, do not occur to the extent that it rises to the level of a threat. Throughout the rest of the species' range, human conflict with broad-snouted caiman occurs sporadically and may result in the death of some individual caimans. However, the best available scientific and commercial information does not indicate that human conflict occurs to the extent that it is a significant factor affecting the species. Therefore, relative to the population size, human conflict does not appear to be a threat to the species.

The broad-snouted caiman, like other wildlife, is a victim of collisions with motor vehicles while crossing roadways. Approximately 200 animals are killed annually due to collisions (Larriera, pers. comm. 2006). Broad-snouted caiman often successfully cross roads in areas containing sparse human developments. Development of high volume transportation corridors in broad-snouted caiman habitat may inhibit their movements between habitat patches, potentially reducing connectivity among water bodies generally inhabited by broad-snouted caiman. However, these mortality events do not occur to such an extent that they are a significant factor affecting the species.

Fire Ants

The red fire ant, *Solenopsis invicta,* is an extremely aggressive species. It is originally from central South America and is distributed throughout a large variety of habitats (Folgarait *et al.* 2005 in Parachú-Marcó *et al.* 2008, pp. 1–2). It completely occupies the area of distribution of broad-snouted caiman. This is an opportunistic, aggressive species and is able to reach high population densities. The fire ant prefers total or partial exposure to the sun, and apparently is attracted by sources of protein, sugar, and lipids as well as high levels of humidity. Because broad-snouted caiman generally nest in fairly open habitats, and its nests are raised, they provide an ideal source of protection for *S. invicta* colonies from rains during the summer. Allen *et al.* (1997, pp. 318–320) showed that red fire ants affect the success of hatching, causing the death of unborn embryos in the nest, and possibly prevent the female from opening the nest when her hatchlings call. In Argentina, these ants use broad-snouted caiman nests to set up their new colonies (Larriera 2006, pers. comm.), and have been

documented to decrease hatching success by 20 percent (Parachú-Marcó *et al.,* 2005, pp. 1–2). The severity and magnitude of long-term and short-term effects of fire ants on broad-snouted caiman populations is currently unknown. Although fire ants have the potential of being a localized threat, the best available information does not indicate that this factor affects the species such that it is a threat to the species throughout all or a significant part of its range.

Drought and Flooding

This species has survived large-scale droughts and floods in the past (Larriera 2003), but high rainfall can lead to reduced hatching success from flooding (Larriera and Piña 2000). Recent caiman counts suggest that populations declined somewhat during 2002–2003 and 2007–2008 (Micucci *et al.* 2007, Larriera *et al.* 2008). This was attributed to cyclic drought conditions during the early 2000s (Micucci *et al.* 2007, Larriera *et al.* 2008). The production of broad-snouted caiman eggs during the 2009 season was drastically reduced in Corrientes, Santa Fe, and Formosa Provinces also due to a severe drought. In 2010, wetlands recovered due to heavy rains, and egg harvest in 2010 was approximately 30 percent higher than the historical average (Larriera and Siroski 2010, pp. 1–2). However, drought and flooding does not occur to such an extent that they are a significant factor affecting the species.

Climate Change

The term ''climate'' refers to an area's long-term average weather patterns, or more specifically, the mean and variation of surface variables such as temperature, precipitation, and wind, whereas ''climate change'' refers to any change in climate over time, whether due to natural variability or human activity (Intergovernmental Panel on Climate Change (IPCC) 2007, pp. 6, 871). Although changes in climate occur continuously over geological time, changes are now occurring at an accelerated rate. For example, at continental, regional and ocean basin scales, recent observed changes in long-term trends include: A substantial increase in precipitation in eastern parts of North America and South America, northern Europe, and northern and central Asia; declines in precipitation in the Mediterranean, southern Africa, and parts of southern Asia; and an increase in intense tropical cyclone activity in the North Atlantic since about 1970 (IPCC 2007, p. 30). Examples of observed changes in the physical environment include an increase in global average sea level and declines in mountain glaciers and average snow cover in both the northern and southern hemispheres (IPCC 2007, p. 30).

The IPCC used Atmosphere-Ocean General Circulation Models and various greenhouse gas emissions scenarios to make projections of climate change globally and for broad regions through the 21st century (Meehl *et al.* 2007, p. 753; Randall *et al.* 2007, pp. 596–599). Highlights of these projections include: (1) It is virtually certain there will be warmer and more frequent hot days and nights over most of the earth's land areas; (2) it is very likely there will be increased frequency of warm spells and heat waves over most land areas, and the frequency of heavy precipitation events will increase over most areas; and (3) it is likely that increases will occur in the incidence of extreme high sea level (excludes tsunamis), intense tropical cyclone activity, and the area affected by droughts in various regions of the world (Solomon et al. 2007, p. 8). More recent analyses using a different global model and comparing other emissions scenarios resulted in similar projections of global temperature change (Prinn *et al.* 2011, pp. 527, 529).

As is the case with all models, there is some uncertainty associated with projections due to assumptions used, data available, and features of the models. Despite this uncertainty, however, under all models and emissions scenarios the overall surface air temperature trajectory is one of increased warming in comparison to current conditions (Meehl *et al.* 2007, p. 762; Prinn *et al.* 2011, p. 527). Climate models and associated assumptions, data, and analytical techniques continue to be refined, and thus projections are refined as more information becomes available (Rahmstorf 2010). For instance, observed actual emissions of greenhouses gases, which are a key influence on climate change, are tracking at the mid- to higher levels of the various scenarios used for making projections, and some expected changes in conditions (e.g., melting of Arctic sea ice) are occurring more rapidly than initially projected (Manning *et al.* 2010, p. 377; Polyak *et al.* 2010, p. 1,797; LeQuere *et al.* 2009, p. 2; Comiso *et al.* 2008, p. 1; Pielke *et al.* 2008, entire; Raupach *et al.* 2007, p. 10289). In short, the best scientific and commercial data available indicate that increases in average global surface air temperature and several other changes are occurring and likely will continue for many decades and in some cases for centuries (Church 2010, p. 411; Solomon et al. 2007, pp. 822–829).

Changes in climate can have a variety of direct and indirect impacts on species, and can exacerbate the effects of other threats. For instance, climate-associated environmental changes to the landscape, such as decreased stream flows, increased water temperatures, reduced snowpacks, and increased fire frequency, or other changes occurring individually or in combination, may affect species and their habitats. The vulnerability of a species to climate change impacts is a function of the species' sensitivity to those changes, its exposure to those changes, and its adaptive capacity (IPCC 2007, p. 883). As described above, in evaluating the status of a species the Service uses the best scientific and commercial data available, and this includes consideration of direct and indirect effects of climate change. As is the case with all other stressors we assess, if the status of a species is expected to be affected that does not necessarily mean it is an endangered or threatened species as defined under the ESA. Species that are dependent on specialized habitat types, limited in distribution, or occurring already at the extreme periphery of their range will be most susceptible to the impacts of climate change. However, the broad-snouted caiman has a wide distribution and is more resilient than these species.

The information currently available on the effects of climate change and the available climate change models do not make sufficiently accurate estimates of location and magnitude of effects at a scale small enough to apply to the range of the broad-snouted caiman. Below is a discussion of data and research available, with which we can make inferences on the projected impacts to the broad-snouted caiman due to climate change, particularly the potential impacts of shifting global temperatures on sex ratios as well as the species' distribution.

A study conducted to determine climate change's projected impacts to the American crocodile *(Crocodylus acutus)* illustrates possible impacts to the broad-snouted caiman (Escobedo-Galván 2006, p. 131). This is significant because the sex of crocodiles is determined during incubation and is temperature-dependent. This study selected areas in Florida and western Mexico that contain American crocodiles, and predicted how increased temperatures could affect the geographical distribution and sex ratios of the species in Florida, the Caribbean, and Central America. It focused on the geographic distribution and sex ratios of American crocodiles in the present (2006), 2020, and 2050. It suggested that

the geographic distribution and sex ratios of American crocodile populations in different parts of its range would change in response to temperature and sea-level parameters. Optimal growth in crocodilians has been found to occur around 31 °C (88 °F), with appetites and effective digestion diminishing below 29 °C (84 °F) (Coulson and Hernandez 1964, pp. 2–33; Coulson and Coulson 1986, pp. 585–588), which correlates with optimal temperatures for incubation.

According to Escobedo-Galván *et al.* 2008, increased global temperatures and sea level could in some ways benefit the American crocodile by significantly increasing its potential habitat and distribution. Through this, we could infer that similar effects could occur in the broad-snouted caiman species. The study predicted that the distribution for the American crocodile would expand 69 percent in 2020, and 207 percent in 2050. This is an 81 percent increase in potential distribution from 2020 to 2050 (Escobedo-Galván *et al.* 2008, pp. 9–10). While the American crocodile is adapted to a narrow climate range (Escobedo-Galván *et al.* 2008, p. 5), the broad-snouted caiman's geographic distribution is one of the widest latitudinal ranges among all crocodilians (Schmidt-Villela *et al.,* 2008 p. 1). Broad-snouted caiman latitudinal range is between 5° S to 32° S (Simoncini *et al.* 2009, p. 191). As global temperatures increase, areas that are currently too cool to support broad-snouted caiman may become warm enough to support them in the future. There is conflicting information on how climate change could affect this species; it could benefit the species or have no significant impact. Based on the data available, we do not currently have sufficient information to determine how changes in climate will affect this species at this time.

The broad-snouted caiman's geographic distribution is one of the largest latitudinal ranges among all crocodilians (Verdade and Piña 2006). Due to its variability in use of habitat, an expansion of the range of the broad-snouted caiman may occur, as it is more of a habitat generalist than other crocodile species.

Based on scenarios that do not assume explicit climate policies to reduce greenhouse gas emissions, global average temperature is projected to rise by 2 to 11.5 °F by the end of this century (relative to the 1980–1999 time period) (USGCRP 2011, p. 9). Optimal growth in crocodilians has been found to occur around 88 °F (31 °C), with appetites and effective digestion diminishing below 84 °F (29 °C). Although climate change may cause changes in the broad-snouted caiman distribution, we do not have any data to indicate that effects on the species due to climate change would have a detrimental effect, nor is climate change likely to become a threat in the foreseeable future.

Summary of Factor E

Few, if any, other natural or manmade factors are anticipated to significantly affect the continued existence of the broad-snouted caiman in either DPS. We reviewed factors such as fire ants, human conflict, pesticides and endocrine disruptors, droughts and flooding, and climate change. With respect to climate change, we lack adequate local or regional models on how climate change would specifically affect the habitat in the broad-snouted caiman's range. Given that reliable, predictive models have not been developed for use at the local scale in Argentina, Bolivia, Brazil, Paraguay, and Uruguay, there is little certainty regarding the timing, magnitude, and net effect of climate change's impacts. Therefore, we find it is not possible at this time to make reliable predictions of climate change effects on the Argentine population or the Bolivia, Brazil, Paraguay, and Uruguay population due to the current limitations in available data and climate models. We found no information that the other stressors evaluated under this factor significantly affect the survival of the species. Based on the best available information, we find that there are no other natural or manmade factors which may constitute possible threats to either population segment.

Finding

We have carefully assessed the best available scientific and commercial information regarding the past, present, and future threats faced by the broad-snouted caiman throughout its range, and we have separately evaluated the population in Argentina (referred to as a distinct population segment, or DPS) and the Northern DPS, which consists of Bolivia, Brazil, Paraguay, and Uruguay.

Argentine DPS

In Argentina, our status review found that, although some localized impacts to broad-snouted caiman still occur in Argentina such as habitat modification, particularly due to agricultural development, the government of Argentina has reduced threats associated with habitat loss and overutilization through its ranching program such that the species is not currently in danger of extinction. Through the five-factor analysis, we considered the progress made by Argentina towards addressing previous threats to this species. We took into consideration the conservation actions that have occurred, are ongoing, and are planned. Since its listing under the ESA, the species' status has improved in Argentina based on the following:

- National and international laws and treaties have minimized the impacts of trade.
- Effective community-based ranching programs have been established.
- Population numbers appear to be increasing in Argentina based on nest counts and egg harvest data.

The primary factor that led to the listing of this species under the ESA was overutilization. In Argentina, we find few threats to the species in the wild, although we find the DPS is still threatened by the present or threatened destruction, modification, or curtailment of its habitat or range (Factor A). However, information regarding the caiman ranching program in Argentina indicates that the caiman population is increasing in the wild in Argentina such that it is no longer in danger of extinction. The information indicates that the broad-snouted caiman population is now widespread throughout its range in Argentina. In the region that had the oldest caiman ranching program (Santa Fe province), population trend information based on night counts during 1990–2002 indicates five of six populations increased during that period (Larriera and Imhof 2004). Recent data tracking of the success of hatching show the percentage of hatchlings born from the harvested eggs has been above 70 percent in recent years, sometimes exceeding 80 percent (Larriera *et al.* 2008, p. 158).

As discussed under Factor B, removing eggs from the wild, rearing the young, and releasing them at an age where they can defend themselves more readily can be advantageous, because larger size in young crocodilians improves survivorship (Elsey *et al.* 1992). For crocodiles, supplementing wild populations with captive-reared juveniles taken from eggs collected in the wild is a valuable tool for crocodilian management, because mortality of juveniles in the wild decreases with age and size.

Enforcement of existing national and international laws and treaties has minimized the potential impact of trade in Argentina, and available data strongly suggest that wild populations in Argentina are increasing (Piña *et al.* 2009). Exports from Argentina are carefully managed, and commercial

exports are limited to those caiman from managed programs. All indications suggest that Argentina has been successful in increasing its population of broad-snouted caiman through intensive management efforts. The population has increased as evidenced by an increase in population density, the identification of reproducing females previously released by the program, the expansion of the nesting areas, the increase in the quantity of harvested nests, and the observation of caiman in places where they had disappeared (Larriera *et al.* 2008, p. 172). Age classes reflect healthy reproduction and recruitment into a wild breeding population.

We find that the impacts previously identified in Argentina when the species was listed under the ESA no longer are of sufficient magnitude such that it is endangered. Because the Argentine population of broad-snouted caiman satisfies both the discreteness and significance criteria as defined by the DPS Policy, this final rule reclassifies the distinct population segment of the broad-snouted caiman *(Caiman latirostris)* in Argentina from endangered status to threatened status under the ESA. As identified above, only one of the five listing factors currently poses a threat to the broad-snouted caiman, namely, Factor A—the present or threatened destruction, modification, or curtailment of its habitat or range. Although not currently in danger of extinction due to the destruction, modification, or curtailment of its habitat, we find that the species is likely to become so with the continued destruction of habitat in the foreseeable future. In other parts of this species' range within Argentina where it is not monitored, threats are still acting on the species. We have seen substantial progress in Argentina with respect to addressing threats to this species. In developing this final rule, we carefully assessed the best scientific and commercial data available regarding the threats facing this species, as well as the ongoing conservation efforts by Argentina. Consequently, we are reclassifying the Argentine DPS of the broad-snouted caiman to threatened status under the ESA.

Bolivia, Brazil, Paraguay, and Uruguay (Northern DPS)

In contrast, there is a lack of information about the broad-snouted caiman in Bolivia, Brazil, Paraguay, and Uruguay (Verdade *et al.* 2010, p. 20; Aparicio and Ríos 2008; Borteiro *et al.* 2008). The best available information indicates that threats remain such that the species should retain its endangered status under the ESA in these four countries due to habitat degradation and the inadequacy of regulatory mechanisms (Factors A and D, respectively). Although we have very little information about the species in these countries and are unable to determine population numbers or trends, the best available information indicates that the species continues to face threats under Factors A and D in Bolivia, Brazil, Paraguay, and Uruguay such that the species remains currently in danger of extinction. Therefore, because this population segment satisfies the discreteness and significance criteria under the DPS policy, we find that the distinct population segment of the broad-snouted caiman in Bolivia, Brazil, Paraguay, and Uruguay should remain listed as endangered under the ESA. We will continue to monitor the status of the species throughout its entire range. Additionally, the broad-snouted caiman in Bolivia, Brazil, Paraguay, and Uruguay will remain listed in Appendix I of CITES.

Special Rule

Section 4(d) of the ESA states that the Secretary of the Interior (Secretary) may, by regulation, extend to threatened species prohibitions provided for endangered species under section 9. Exercising this discretion, the Service, acting under authority delegated by the Secretary, has promulgated implementing regulations that incorporate the section 9 prohibitions for endangered wildlife (50 CFR 17.31) and exceptions to those prohibitions (50 CFR 17.32) which apply to most threatened wildlife. Under 50 CFR 17.32, permits may be issued to allow persons to engage in otherwise prohibited activities with threatened species for certain purposes.

Under section 4(d) of the ESA, the Service may also develop specific prohibitions and exceptions tailored to the particular conservation needs of a threatened species. In such cases, the Service issues a special rule that may include some of the prohibitions and exceptions set out in 50 CFR 17.31 and 50 CFR 17.32 respectively, which may be more or less restrictive than the general provisions at 50 CFR 17.31 and 50 CFR 17.32. For threatened species, a special rule gives the Secretary discretion to specify the appropriate prohibitions from section 9 of the ESA, while also providing provisions that are necessary and advisable to provide for the conservation of the species.

Under this final special rule, the Service amends the regulations for threatened crocodilians at 50 CFR 17.42(c) to add the Argentine DPS of the broad-snouted caiman. With this special rule, all the prohibitions and exceptions at 50 CFR 17.31 and 50 CFR 17.32 apply to the Argentine DPS of the broad-snouted caiman, except that import into and export out of the United States and certain activities in interstate and foreign commerce in the course of a commercial activities involving broad-snouted caiman skin, parts, and products from Argentina are allowed without an ESA regulatory permit under 50 CFR 17.32, if the requirements of this special rule and parts 13 (General Permit Requirements), 14 (Importation, Exportation, and Transportation) and 23 (CITES) of Title 50 of the Code of Federal Regulations are met.

All provisions of 50 CFR 17.31 and 50 CFR 17.32 apply to live specimens and viable eggs of the Argentine DPS of the broad-snouted caiman. Thus, importation of viable caiman eggs and live caimans will require an ESA permit for threatened species, in addition to the appropriate CITES permit. This requirement will allow scrutiny of individual applications for importation of live caimans or eggs so as to prevent accidental introduction of these exotic species into the United States, which may have detrimental effects on U.S. native wildlife or ecosystems.

Effects of This Rule

This final special rule for the Argentine DPS of the broad-snouted caiman allows for the importation into and exportation from the United States of broad-snouted caiman skins, other parts, and products from Argentina without a permit under 50 CFR 17.32, provided that requirements in the special rule and the Service's regulations at parts 13, 14, and 23 of Title 50 of Code of Federal Regulations are met. Under this rule, a person may also deliver, receive, carry, transport, ship, sell or offer for sale in interstate or foreign commerce and in the course of a commercial activity any skins, other parts, or products from the Argentine DPS of the broad-snouted caiman without a permit under 50 CFR 17.32, provided that certain conditions are fulfilled.

This rule also allows the import into the United States of skins, parts, or products originally from Argentina and re-exported by other countries (i.e., intermediary countries), if certain conditions are met by those countries prior to exportation to the United States. These conditions pertain to the implementation of a CITES Resolution on a universal tagging system for the identification of crocodile skins, as well as provisions intended to support

appropriate management for sustainable use of wild populations of *Caiman latirostris.*

This special rule adopts the existing requirements of CITES as the appropriate regulatory provisions for the import and export of skins, parts, and products from the Argentine DPS of the broad-snouted caiman. As previously mentioned in our listing determination, we have found that overutilization through international trade is not a threat to the Argentine DPS of the broad-snouted caiman, and, in any event, international trade of the Argentine population of the broad-snouted caiman is adequately regulated under CITES. Currently, the Argentine population of the broad-snouted caiman is listed under Appendix II of CITES. Thus, importation into the United States of any specimen of broad-snouted caiman originating from the Argentine population must be accompanied by a CITES export permit or re-export certificate. In issuing a CITES export permit for skins, parts, or products of broad-snouted caiman from the Argentine population, the Scientific Authority of Argentina must determine that such export will not be detrimental to the survival of the species, and the Management Authority of Argentina must determine that it was not obtained in contravention of its laws for the protections of fauna and flora. In issuing a re-export certificate for skins, parts, or products of broad-snouted caiman originating from the Argentine population, the Management Authority of the State of re-export must determine that the specimen was imported into that State in accordance with CITES provisions.

Argentina must continue to effectively implement the CITES Resolution on a universal tagging system for the identification of crocodile skins and must have adequate national legislation for the implementation of CITES. The special rule also allows trade in broad-snouted caiman parts and products through intermediary countries if the countries involved are effectively implementing CITES and the CITES Universal Tagging System Resolution. 50 CFR 17.42(c)(4) describes specific bases the Service will use to determine whether CITES is being effectively implemented by the applicable country of export or re-export.

Essentially, this special rule prohibits the importation, exportation, and re-exportation of skins, other parts, or products of broad-snouted caiman originating from Argentina or imported from a country of manufacture or re-export unless the following conditions, among others, are met:

(1) Each Argentine broad-snouted caiman skin or part imported, exported, or re-exported must be tagged or labeled in accordance with the CITES Resolution on a universal tagging system for the identification of crocodile skins. This does not apply to meat, skulls, scientific specimens, or products, or to the noncommercial import, export, or reexport of personal effects in accompanying baggage or household effects.

(2) Any countries re-exporting Argentine broad-snouted caiman skins or parts must have implemented an administrative system for the effective matching of imports and re-exports. However, the CITES Resolution on a universal tagging system for the identification of crocodile skins presupposes that countries of re-export have implemented a system for monitoring skins. Countries are not considered intermediary countries or countries of re-export if the specimens remain in Customs control while transiting or being transshipped through the country, and provided those specimens have not entered into the commerce of that country.

(3) Argentina and any intermediary country(s) must be effectively implementing CITES. If we receive persuasive information from the CITES Secretariat or other reliable sources that a specific country is not effectively implementing CITES, we will prohibit or restrict imports from such country(s) as appropriate for the conservation of the species.

In a limited number of situations in which the original tags from the country of export have been lost in processing the skins, we will allow whole skins, flanks, and chalecos into the United States if CITES-approved re-export tags have been attached in the same manner as the original tags and proper re-export certificates accompany the shipment. If a shipment contains more than 25 percent replacement tags, the U.S. Management Authority will consult with the Management Authority of the re-exporting country before clearing the shipment. Such shipments may be seized if we determine that the requirements of CITES have not been met.

In sum, the intent of this special rule is to enhance the conservation of the broad-snouted caiman in Argentina, which is effectively managing its broad-snouted caiman populations. By gaining access to commercial markets in the United States for broad-snouted caiman products, Argentina will be encouraged to continue its sustainable-use management programs. These programs require annual surveys of wild populations to ensure biological sustainability in participating provinces and reintroduction of ranched offspring to the wild. The programs also provide an economic incentive for local people to protect and expand broad-snouted caiman habitat.

This special rule allowing commercial trade into the United States without threatened species import permits under the ESA does not end protection for this species, which remains listed in Appendix II of CITES. To the contrary, the special rule complements the CITES universal tagging resolution, which has reduced the potential for the laundering of illegal skins and reduced the trade control problems associated with the similarity of appearance of skins and products among different species and populations of crocodilians that have varying degrees of endangerment. A benefit of this special rule is that it aligns the ESA's requirements for the importation and exportation of Argentine broad-snouted caiman parts and products into and from the United States with CITES requirements. Thus, for the reasons mentioned above, this special rule provides measures that are necessary and advisable to provide for the conservation of the species, while also including appropriate prohibitions from section 9 of the ESA.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the ESA include recognition of conservation status, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies and groups, and individuals. The protection required of Federal agencies and the prohibitions against take and harm are discussed, in part, below.

Section 7(a) of the ESA, as amended, and as implemented by regulations at 50 CFR part 402, requires Federal agencies to evaluate their actions that are to be conducted within the United States or upon the high seas, with respect to any species that is proposed to be listed or is listed as endangered or threatened and with respect to its proposed or designated critical habitat, if any is being designated. Because the broad-snouted caiman's range does not include the United States, no critical habitat is being designated with this rule. Regulations implementing the interagency cooperation provision of the ESA are codified at 50 CFR part 402. Section 7(a)(2) of the ESA requires Federal agencies to ensure that activities they authorize, fund, or carry out are not

likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. Currently, with respect to broad-snouted caiman, no Federal activities are known that would require consultation.

Section 8(a) of the ESA authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered or threatened species in foreign countries. Sections 8(b) and 8(c) of the ESA authorize the Secretary to encourage conservation programs for foreign listed species, and to provide assistance for such programs, in the form of personnel and the training of personnel.

The ESA and its implementing set forth a series of general prohibitions and exceptions that apply to all endangered and threatened wildlife. These prohibitions, at 50 CFR 17.21 and 17.31 in part, make it illegal for any person subject to the jurisdiction of the United States to ''take'' (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or to attempt any of these) within the United States or upon the high seas; import or export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any endangered and threatened wildlife species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken in violation of the ESA. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened wildlife species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 for endangered species and 50 CFR 17.32 for threatened species. With regard to endangered wildlife, a permit may be issued for the following purposes: for scientific purposes, to enhance the propagation or survival of the species and for incidental taking in connection with otherwise lawful activities. For threatened species, a permit may be issued for the same activities, as well as zoological exhibition, education, and special purposes consistent with the purposes of the ESA.

Monitoring

We will continue to monitor the status of this species in cooperation with the range countries.

Required Determinations

National Environmental Policy Act

We have determined that we do not need to prepare an environmental assessment or environmental impact statement, as defined in the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of the references used to develop this rule is available upon request from the Endangered Species Program in our Headquarters office (see **FOR FURTHER INFORMATION CONTACT**).

Author

The primary author of this rule is Amy Brisendine, Branch of Foreign Species, Endangered Species Program, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 400, Arlington, VA 22203.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

For the reasons described in the preamble, we are amending part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

Part 17—[AMENDED]

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

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. Amend § 17.11(h), the List of Endangered and Threatened Wildlife, by revising the entries for ''Caiman, broad-snouted,'' ''Caiman, brown,'' ''Caiman, common,'' and ''Caiman, yacare'' under REPTILES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
Reptiles							
*	*	*	*	*	*		*
Caiman, broad-snouted.	*Caiman latirostris*	Argentina, Bolivia, Brazil, Paraguay, Uruguay.	Bolivia, Brazil, Paraguay, Uruguay.	E	15	NA	NA
Caiman, broad-snouted.	*Caiman latirostris*	Argentina, Bolivia, Brazil, Paraguay, Uruguay.	Argentina	T	790	NA	17.42(c)
Caiman, brown	*Caiman crocodilus fuscus* (includes *Caiman crocodilus chiapasius*).	Mexico, Central America, Colombia, Ecuador, Venezuela, Peru.	Entire	T(S/A)	695	NA	17.42(c)
Caiman, common	*Caiman crocodilus crocodilus*.	Bolivia, Brazil, Colombia, Ecuador, French Guiana, Guyana, Peru, Suriname, Venezuela.	Entire	T(S/A)	695	NA	17.42(c)

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Caiman, yacare	*Caiman yacare*	Argentina, Bolivia, Brazil, Paraguay.	Entire	T	3, 695	NA	17.42(c)
*	*	*	*	*	*		*

■ 3. Amend § 17.42 by revising paragraph (c)(1)(i) to read as follows:

§ 17.42 Special rules—reptiles.

* * * * *

(c) * * *

(1) * * *

(i) *Threatened crocodilian* means any live or dead specimen of the following species:

(A) Broad-snouted caiman *(Caiman latirostris)* originating in Argentina;

(B) Brown caiman *(Caiman crocodilus fuscus,* including *Caiman crocodilus chiapasius);*

(C) Common caiman *(Caiman crocodilus crocodilus);*

(D) Yacare caiman *(Caiman yacare);*

(E) Nile crocodile *(Crocodylus niloticus);* and

(F) Saltwater crocodile *(Crocodylus porosus)* originating in Australia (also referred to as Australian saltwater crocodile).

* * * * *

Dated: May 29, 2013.

Stephen Guertin,

Acting Director, Fish and Wildlife Service.

[FR Doc. 2013–15006 Filed 6–24–13; 8:45 am]

BILLING CODE 4310–55–P

FEDERAL REGISTER

Vol. 78 Tuesday,

No. 122 June 25, 2013

Part IV

The President

Notice of June 21, 2013—Continuation of the National Emergency With Respect to North Korea

Federal Register
Vol. 78, No. 122
Tuesday, June 25, 2013

Presidential Documents

Title 3—

The President

Notice of June 21, 2013

Continuation of the National Emergency With Respect to North Korea

On June 26, 2008, by Executive Order 13466, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula. The President also found that it was necessary to maintain certain restrictions with respect to North Korea that would otherwise have been lifted pursuant to Proclamation 8271 of June 26, 2008, which terminated the exercise of authorities under the Trading with the Enemy Act (50 U.S.C. App. 1–44) with respect to North Korea.

On August 30, 2010, I signed Executive Order 13551, which expanded the scope of the national emergency declared in Executive Order 13466 to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the continued actions and policies of the Government of North Korea, manifested by its unprovoked attack that resulted in the sinking of the Republic of Korea Navy ship *Cheonan* and the deaths of 46 sailors in March 2010; its announced test of a nuclear device and its missile launches in 2009; its actions in violation of United Nations Security Council Resolutions (UNSCRs) 1718 and 1874, including the procurement of luxury goods; and its illicit and deceptive activities in international markets through which it obtains financial and other support, including money laundering, the counterfeiting of goods and currency, bulk cash smuggling, and narcotics trafficking, which destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region.

On April 18, 2011, I signed Executive Order 13570 to take additional steps to address the national emergency declared in Executive Order 13466 and expanded in Executive Order 13551 that will ensure the implementation of the import restrictions contained in UNSCRs 1718 and 1874 and complement the import restrictions provided for in the Arms Export Control Act (22 U.S.C. 2751 *et seq.*).

Because the existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula and the actions and policies of the Government of North Korea continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared in Executive Order 13466, expanded in scope in Executive Order 13551, and addressed further in Executive Order 13570, and the measures taken to deal with that national emergency, must continue in effect beyond June 26, 2013. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13466.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

THE WHITE HOUSE,
June 21, 2013.

[FR Doc. 2013–15375
Filed 6–24–13; 11:15 am]
Billing code 3295–F3

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