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WHEN: Tuesday, September 17, 2013
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 140

[NRC–2013–0072]

RIN 3150–AJ25

Inflation Adjustments to the Price-Anderson Act Financial Protection Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Atomic Energy Act of 1954, as amended (AEA), requires the U.S. Nuclear Regulatory Commission (NRC) to adjust the maximum total and annual standard deferred premiums specified in the Price-Anderson Act for inflation at least once during each 5-year period following August 20, 2003. The NRC is amending its regulations to satisfy this requirement.

DATES: This rule is effective on September 10, 2013.

ADDRESSES: Please refer to Docket ID NRC–2013–0072 when contacting the NRC about the availability of information for this final rule. You may access information related to this final rule, which the NRC possesses and is publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0072. 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 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.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Ryan K. Lighty, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1938, email: *ryan.lighty@nrc.gov.*

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IV. Voluntary Consensus Standard
V. Environmental Impact: Categorical Exclusion
VI. Paperwork Reduction Act Statement
VII. Regulatory Analysis
VIII. Regulatory Flexibility Certification
IX. Plain Writing
X. Backfit Analysis and Issue Finality
XI. Congressional Review Act

I. Background

Section 604 of the Energy Policy Act of 2005, Public Law 109–58, amended section 170 of the AEA (Price-Anderson Act) to require the NRC to adjust the maximum total and annual standard deferred premiums not less than once during each 5-year period following August 20, 2003, in accordance with the aggregate percentage change in the Consumer Price Index. The NRC made the initial changes to the Price-Anderson Act amounts on October 27, 2005 (70 FR 61885), and the first periodic inflation adjustments on September 29, 2008 (73 FR 56451). This final rule makes the second required periodic inflation adjustments to the maximum total and annual standard deferred premiums.

II. Discussion of the Final Rule

Section 170t., ''Inflation Adjustment,'' of the AEA requires the NRC to ''adjust the amount of the maximum total and annual standard deferred premium under subsection b.(1) not less than once during each 5-year period following August 20, 2003 in accordance with the aggregate percentage change in the Consumer Price Index.'' The NRC's implementing regulations for the Price-Anderson Act are found in part 140 of Title 10 of the *Code of Federal Regulations* (10 CFR). Accordingly, the Commission is amending 10 CFR 140.11, ''Amounts of financial protection for certain reactors,'' to adjust for the increase in inflation since the last adjustments on September 29, 2008.

The September 2008 inflation adjustments raised the maximum total deferred premium in 10 CFR 140.11(a)(4) to $111,900,000 and the maximum annual deferred premium to $17,500,000. The Consumer Price Index used in calculating the September 2008 inflation adjustments was 214.823 (April 2008). The inflation adjustments promulgated in this rulemaking are based on a Consumer Price Index of 232.773 (March 2013). This represents an increase of approximately 8.36 percent. When this increase is applied to the maximum total and annual standard deferred premiums and rounded to the nearest thousand, the new maximum total deferred premium is $121,255,000, and the maximum annual deferred premium is $18,963,000. Section 140.11(a)(4) is being changed accordingly.

III. Rulemaking Procedure

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. This rule incorporates mandatory statutory requirements. Accordingly, good cause exists under 5 U.S.C. section 553(d)(3) to publish this final rule without soliciting public comment because the Commission has no discretion in these matters and public comment would serve no useful purpose. The NRC is required only to perform ministerial computations. The revisions are being published as a final rule that will become effective 60 days from the date of publication in the **Federal Register**.

IV. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or is otherwise impractical. In this rule, the NRC is revising its regulations to reflect statutory mandates contained in the Energy Policy Act of 2005. This action does not constitute the establishment of a standard that contains generally applicable requirements.

V. Environmental Impact: Categorical Exclusion

The Commission has determined that this final rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(1) and (2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

VI. Paperwork Reduction Act Statement

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

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.

VII. Regulatory Analysis

A regulatory analysis has not been prepared for this regulation. This rule amends NRC regulations to be consistent with provisions of the Atomic Energy Act of 1954, as amended. This rule does not involve an exercise of Commission discretion and, therefore, does not necessitate preparation of a regulatory analysis.

VIII. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this final rule would not have a significant economic impact upon a substantial number of small entities.

IX. 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).

X. Backfit Analysis and Issue Finality

The NRC has determined that the backfit provisions at 10 CFR 50.109, 70.76, 72.62, and 76.76 do not apply to this final rule because the amendments of this final rule are mandated by the Energy Policy Act of 2005.

XI. Congressional Review Act

The Office of Management and Budget, Office of Information and Regulatory Affairs, has determined that this action is a ''major rule'' pursuant to the definitions in the Congressional Review Act. However, this rule does not involve an exercise of Commission discretion. The NRC is required by statute to perform ministerial computations and to implement the periodic inflation adjustments, reflecting changes in the Consumer Price Index, as mandated by the AEA.

List of Subjects in 10 CFR Part 140

Criminal penalties, Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

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; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 140:

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

■ 1. The authority citation for part 140 continues to read as follows:

Authority: Atomic Energy Act secs. 161, 170, 223, 234 (42 U.S.C. 2201, 2210, 2273, 2282); Energy Reorganization Act secs. 201, as amended, 202 (42 U.S.C. 5841, 5842); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 594 (2005).

■ 2. In § 140.11, paragraph (a)(4) is revised to read as follows:

§ 140.11 Amounts of financial protection for certain reactors.

(a) * * *

(4) In an amount equal to the sum of $375,000,000 and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges equal to the pro rata share of the aggregate public liability claims and costs, excluding costs payment of which is not authorized by section 170o.(1)(D) of the Act, in excess of that covered by primary financial protection) for each nuclear reactor which is licensed to operate and which is designed for the production of electrical energy and has a rated capacity of 100,000 electrical kilowatts or more: Provided, however, that under such a plan for deferred premium charges for each nuclear reactor which is licensed to operate, no more than $121,255,000 with respect to any nuclear incident (plus any surcharge assessed under subsection 170o.(1)(E) of the Act) and no more than $18,963,000 per incident within one calendar year shall be charged. *Except that,* where a person is authorized to operate a combination of 2 or more nuclear reactors located at a single site, each of which has a rated capacity of 100,000 or more electrical kilowatts but not more than 300,000 electrical kilowatts with a combined rated capacity of not more than 1,300,000 electrical kilowatts, each such combination of reactors shall be considered to be a single nuclear reactor for the sole purpose of assessing the applicable financial protection required under this section.

* * * * *

Dated at Rockville, Maryland, this 1st day of July, 2013.

For the Nuclear Regulatory Commission.

R.W. Borchardt,

Executive Director for Operations.

[FR Doc. 2013–16732 Filed 7–11–13; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1206; Directorate Identifier 2012–SW–021–AD; Amendment 39–17269; AD 2012–23–13]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. The

AD applies to all Sikorsky Model S–70, S–70A, and S–70C helicopters, which are restricted category helicopters derived from the military Model UH–60 helicopter. The part number (P/N) for the No. 2 crossfeed breakaway valve listed in the ''Required Actions'' section is incorrect. This document corrects that error. Also, this document contains a response to a comment received after publication of the Final Rule. In all other respects, the original document remains the same.

DATES: This final rule is effective July 12, 2013. The effective date for AD 2012–23–13 (77 FR 71087, November 29, 2012) remains December 14, 2012.

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

FOR FURTHER INFORMATION CONTACT: Michael Davison, Flight Test Engineer, New England Regional Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7156, email: *michael.davison@faa.gov.*

SUPPLEMENTARY INFORMATION: Airworthiness Directive 2012–23–13, Amendment 39–17269 (77 FR 71087, November 29, 2012), currently includes the following under paragraph (e)(xiii) in the Required Actions section:

(xiii) For Number 2 crossfeed breakaway valve, P/N 70307–03600–103, establish a life limit of 1,500 hours.

As published, the identification of the P/N as 70307–03600–103 is incorrect. The correct P/N is 70307–03006–103. No other part of the regulatory information has been changed; therefore, only the changed portion of the final rule is being published in the **Federal Register**.

Comments

After we published our Final rule; request for comments (77 FR 71087; November 29, 2012), we received a comment from one commenter.

Request

The one commenter from the manufacturer stated that the document reduced the life limit for the main and tail rotor blades but does not make any reference to the detailed internal life limited components of the blades. The commenter asked whether the AD applies only to the blade assembly P/Ns and whether the blade components were overlooked.

We do not agree that the AD should include life limits for the internal components of the blade assembly. The life limit of each main and tail rotor blade reflects the life limit of its lowest component in the Sikorsky Airworthiness Limitations technical manual. That manual does not list life limits for individual internal components.

Correction of Regulatory Text

§ 39.13 [Corrected]

In the **Federal Register** of November 29, 2012, on page 71089, in the first column, paragraph (e)(xiii) of AD 2012–23–13 is corrected to read as follows:

* * * * *

(e)(xiii) For Number 2 crossfeed breakaway valve, P/N 70307–03006–103, establish a life limit of 1,500 hours TIS.

* * * * *

Issued in Fort Worth, Texas, on July 3, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–16693 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1282; Airspace Docket No. 12–AGL–16]

Establishment of Class E Airspace; Parkston, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Parkston, SD. Controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Parkston Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

DATES: Effective date: 0901 UTC, October 17, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7716.

SUPPLEMENTARY INFORMATION:

History

On April 30, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Parkston, SD, area, creating controlled airspace at Parkston Municipal Airport (78 FR 25232) Docket No. FAA–2012–1282. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Parkston Municipal Airport, Parkston, SD, to ensure that required controlled airspace exists to contain new standard instrument approach procedures at the airport. Controlled airspace enhances the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Parkston Municipal Airport, Parkston, SD.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL SD E5 Parkston, SD [New]

Parkston Municipal Airport, SD

(Lat. 43°22′39″ N., long. 97°59′23″ W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Parkston Municipal Airport.

Issued in Fort Worth, Texas, on July 8, 2013.

David P. Medina,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2013–16436 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1281; Airspace Docket No. 12–ASW–13]

Establishment of Class E Airspace; Colt, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Colt, AR. Controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Delta Regional Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

DATES: *Effective date:* 0901 UTC, October 17, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7716.

SUPPLEMENTARY INFORMATION:

History

On April 30, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Colt, AR, area, creating controlled airspace at Delta Regional Airport (78 FR 25231) Docket No. FAA–2012–1281. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Delta Regional Airport, Colt, AR, to ensure that required controlled airspace exists to contain new standard instrument approach procedures at the airport. Controlled airspace enhances the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Delta Regional Airport, Colt, AR.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially

significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW AR E5 Colt, AR [New]

Delta Regional Airport, AR
(Lat. 35°07′12″ N., long. 90°49′35″ W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Delta Regional Airport.

Issued in Fort Worth, Texas, on July 8, 2013.

David P. Medina,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2013–16438 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0770; Airspace Docket No. 12–ASW–6]

Establishment of Class E Airspace; Presidio, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Presidio, TX. Controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Presidio Lely International Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

DATES: *Effective date:* 0901 UTC, October 17, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7716.

SUPPLEMENTARY INFORMATION:

History

On May 7, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Presidio, TX, area, creating controlled airspace at Presidio Lely International Airport (78 FR 26558) Docket No. FAA–2012–0770. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the airport, with an extension to the east; and extending upward from 1,200 feet above the surface within a 62.5-mile radius of the airport, at Presidio Lely International Airport, Presidio, TX. Controlled airspace enhances the safety and management of new standard instrument approach procedures for IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Presidio Lely International Airport, Presidio, TX.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Presidio, TX [New]

Presidio Lely International Airport, TX
(Lat. 29°38′03″ N., long. 104°21′41″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Presidio Lely International Airport, and within 2 miles each side of the 070° bearing from the airport extending from the 6.5-mile radius to 13.4 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within a 62.5 mile radius of the airport, excluding that airspace within Mexico.

Issued in Fort Worth, Texas, on July 8, 2013.

David P. Medina,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2013–16437 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. FDA–2012–F–0728]

Indirect Food Additives: Adhesives and Components of Coatings

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the food additive regulations to no longer provide for the use of Bisphenol A (BPA)-based epoxy resins as coatings in packaging for infant formula because these uses have been abandoned. We are taking this action in response to a petition dated March 16, 2012.

DATES: This rule is effective July 12, 2013. See section VIII of this document for further information on the filing of objections. Submit either electronic or written objections and requests for a hearing by August 12, 2013.

ADDRESSES: You may submit either electronic or written objections and requests for a hearing, identified by Docket No. FDA–2012–F–0728, by any of the following methods:

Electronic Submissions

Submit electronic objections in the following way:

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

Written Submissions

Submit written objections in the following ways:

• *Mail/Hand delivery/Courier* (for paper or CD–ROM submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and Docket No. FDA–2012–F–0728 for this rulemaking. All objections received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For detailed instructions on submitting objections, see the ''Objections'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

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

FOR FURTHER INFORMATION CONTACT: Vanee Komolprasert, Center for Food Safety and Applied Nutrition (HFS–275), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1217.

SUPPLEMENTARY INFORMATION:

I. Background

In a document published in the **Federal Register** of July 17, 2012 (77 FR 41953), we announced that food additive petition (FAP 2B4791) had been filed by then U.S. Representative Edward J. Markey, House of Representatives, 2108 Rayburn House Office Building, Washington, DC 20515–2107. The petition proposed to amend the food additive regulations in § 175.300 (21 CFR 175.300) to no longer provide for the use of BPA-based epoxy resins as coatings in packaging for infant formula because these uses have been abandoned. BPA-based epoxy resins are formed by the reaction of 4,4′-isopropylidenediphenol (i.e., BPA), and epichlorohydrin. BPA-based epoxy resins may be safely used as the food-contact surfaces of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the prescribed conditions of § 175.300.

II. Evaluation of Abandonment

Under section 409(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(i)), FDA ''shall by regulation prescribe the procedure by which regulations under the foregoing provisions of this section may be amended or repealed, and such procedure shall conform to the procedure provided in this section for the promulgation of such regulations.'' Our regulations specific to administrative actions for food additives provide as follows: ''The Commissioner, on his own initiative or on the petition of any interested person, pursuant to part 10 of this chapter, may propose the issuance of a regulation amending or repealing a regulation pertaining to a food additive or granting or repealing an exception for such additive.'' (§ 171.130(a) (21 CFR 171.130(a))). These regulations further provide: ''Any such petition shall include an assertion of facts, supported by data, showing that new information exists with respect to the food additive or that new uses have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the existing regulation or exemption may justify its amendment or repeal. New data shall be furnished in the form specified in §§ 171.1 and 171.100 for submitting petitions.'' (§ 171.130(b)). Under these regulations, a petitioner may propose that FDA amend a food additive regulation if the petitioner can demonstrate that there are ''old uses abandoned'' for the relevant food additive. Such abandonment must be complete for any intended uses in the U.S. market. While section 409 of the FD&C Act and § 171.130 also provide for amending or revoking a food additive regulation based on safety, an amendment or revocation based on abandonment is not based on safety, but is based on the fact that the regulatory authorization is no longer necessary for the specific use of the food additive because that use has been permanently and completely abandoned.

Abandonment may be based on the abandonment of certain authorized food additive uses for a substance (e.g., if a substance is no longer used in certain product categories), or on the abandonment of all authorized food additive uses of a substance (e.g., if a substance is no longer being manufactured). If a petition seeks an

amendment to food additive regulations based on the abandonment of certain uses of the food additive, such uses must be adequately defined so that both the scope of the abandonment and any amendment to the food additive regulation are clear.

The petition contained public information and information collected from a survey of all of the U.S. registered manufacturers of infant formula to support the petitioner's claim that all U.S. infant formula manufacturers have abandoned the use of BPA-based epoxy resins as coatings in all food contact packaging for infant formula and that infant formula products with packaging containing BPA-based epoxy resins are not being introduced into the U.S. market. According to the petition, the manufacturers identified in the survey accounted for 100 percent of the current infant formula market in the United States.

III. Comments on the Filing Notice

We provided 60 days for comments on the filing notice. We received 21 comments from individuals, consumer groups, and trade associations. Eighteen comments supported the rulemaking based on concerns regarding the safety of BPA in food, six comments addressed both safety and abandonment, while one comment addressed only abandonment. Three comments opposed the rulemaking, asserting that the use of BPA-based epoxy resins as coatings in packaging for infant formula has not been permanently and completely abandoned. These supporting and opposing comments have raised seven main issues, which are discussed in the paragraphs that follow. For ease of reading, we preface each comment discussion with a numbered ''Comment,'' and each response by a corresponding numbered ''Response.'' We have numbered each comment discussion to help distinguish among different topics. The number assigned is for organizational purposes only and does not signify any individual comment's value, importance, or the order in which it was received.

A. The Safety of BPA

(Comment 1) Eighteen distinct comments (representing more than 7,200 individuals who submitted form letters) supported the rulemaking because they asserted that BPA exposure has been reported to be associated with a wide range of adverse health issues. One comment supported our commitment to study the significant emerging science around BPA, and encouraged us to expand the scope of its review beyond just infants, small children, and other vulnerable populations. Nine comments urged us to immediately release our safety assessment of BPA.

(Response) As indicated in the filing notice (77 FR 41953), because the petition was based on an assertion of abandonment, we did not request comments on the safety of the use of BPA-based epoxy resins as coatings in packaging for infant formula. Such safety information is not relevant to abandonment and, therefore, any comments addressing the safety of BPA-based epoxy resins were not considered in our evaluation of this petition. Separate from our consideration of this petition, we are actively assessing the safety of BPA (see 75 FR 17145; April 5, 2010; see also *http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm064437.htm*) Any comments regarding the safety of BPA should be sent in writing to the Division of Dockets Management (see **ADDRESSES**) and include Docket No. FDA–2010–N–0100.

B. Whether the Subject Uses Have Been Abandoned

(Comment 2) Three distinct comments, submitted by trade associations, opposed the rulemaking. These comments asserted that the use of BPA-based epoxy resins as coatings in packaging for infant formula has not been intentionally, permanently, and completely abandoned.

Specifically, two comments asserted that the petition does not adequately establish that the use of BPA-based epoxy resins as coatings in infant formula packaging has been intentionally, permanently, and completely abandoned because, the comments asserted, there remains a desire on the part of can manufacturers to maintain BPA-based epoxy resins as an option for future use as coatings in infant formula packaging.

The third comment asserted that the petition's proposed amendment is premature and unnecessary at this time, and mere non-use does not establish abandonment. This comment asserted that not all infant formula manufacturers believe they have permanently ''abandoned'' the use of packaging made using BPA.

(Response) We concluded that the three opposing comments raised significant questions regarding whether this use has been completely abandoned because these trade associations likely represent the opinions of their respective members that include the packaging suppliers and the infant formula manufacturers. We therefore asked the petitioner to provide additional data in support of the assertion that the use of BPA-based epoxy resins as coatings in infant formula packaging has been completely abandoned. We needed this new information to evaluate the comments asserting that, while infant formula manufacturers currently do not use BPA as a component of infant formula packaging, they have not abandoned this use. In response to our request, the petitioner subsequently amended the petition to include a new survey issued to the four infant formula manufacturers in the United States. These four infant formula manufacturers account for 100 percent of the current infant formula market. The survey specifically addressed whether these manufacturers have stopped the use of BPA-based epoxy coatings in infant formula packaging, and whether they have specific plans to reintroduce the use of BPA-based epoxy resins in their infant formula packaging in the future.

The amendment to the petition included a letter from one infant formula manufacturer that indicated that while it has no specific plans to use packaging materials with BPA in the future, it reserves the right to do so in the future should the circumstances warrant it. We considered whether this comment demonstrated that the use of BPA-based epoxy coatings in infant formula packaging has not been permanently and completely abandoned. We concluded that, because the comment did not indicate that the manufacturer had specific plans to use BPA-based epoxy coatings in the future, it did not demonstrate that this use has not been permanently and completely abandoned. We conclude that a mere assertion of a right to unspecified, hypothetical future use of an additive does not demonstrate that, at the present time, there is evidence that this use has not been permanently and completely abandoned. We emphasize that our determination that this use of BPA-based epoxy resins has been abandoned is made without prejudice to a future filing based on the safety of this use. A manufacturer could seek approval, establishing safe conditions of use for BPA-based epoxy coatings in infant formula packaging, via the food contact notification process.

C. Impact of the Rulemaking

(Comment 3) One comment opposed the rulemaking, expressing a concern that the rulemaking could impact consumer confidence negatively, restrict the wide range of canned food and beverages available to consumers, and

potentially put workers out of jobs in the United States.

(Response) We disagree with the comment for the following reasons. First, this rulemaking is premised on FDA's conclusion that the infant formula manufacturers have completely and permanently abandoned the use of BPA-based epoxy resins as coatings in packaging for infant formula. Because this use has been abandoned, the rulemaking will not impact the range of canned food and beverages currently available to consumers and will not affect jobs currently held in the United States. Further, the amendment to § 175.300 does not restrict the use of BPA-based epoxy resins as coatings in packaging for food other than infant formula.

D. Alternatives to BPA-Based Epoxy Resins

(Comment 4) Two comments supported the rule because alternatives to BPA-based epoxy resins as coatings in packaging for infant formula are available. However, another comment opposed the rule because the industry does not want to foreclose access to a safe material whose use may be necessary in the future, reasoning that if a current alternative to BPA-based packaging proves to have inadequate performance or becomes unavailable, the infant formula producers will need access to other safe and proven effective packaging options to ensure the continued supply of safe infant formula.

(Response) We are aware that alternatives to the use of BPA-based epoxy resins as coatings are listed in § 175.300, and some are being used to replace the BPA-based coatings in infant formula packaging. However, this information is not relevant to whether the use of BPA-based epoxy resins as coatings in infant formula packaging has been abandoned. As discussed in more detail previously, we have concluded that, because we did not receive any information from infant formula manufacturers that communicated specific plans to use BPA-based epoxy resins in their products in the future, we have no information to indicate that this use has not been completely and permanently abandoned.

(Comment 5) One comment stated that many consumers have opted to use glass baby bottles, given that glass is the only widely used packaging designated by FDA as generally recognized as safe.

(Response) This comment pertains to baby bottles and is not relevant to whether the use of BPA-based epoxy resins as coatings in infant formula packaging has been abandoned. Therefore, FDA did not consider this comment.

E. The Scope of the Use of BPA-Based Epoxy Resin Addressed by the Petition

(Comment 6) One comment stated that more BPA-containing products should be banned. Ten comments asserted that the rulemaking does not go far enough in protecting the health of infants. This comment stated that, because babies are also being exposed to BPA through baby food contained in glass jars with BPA-based liners for lids, as well as from cans and reusable food containers, FDA should remove BPA from all food packaging.

(Response) We have concluded that it is not appropriate, in this amendment to the food additive regulations, to address any uses of BPA-based food packaging materials beyond that specified in the petition, for the following reasons:

- A consideration of other BPA-based food packaging materials is beyond the scope of the petition and the evidence submitted with the petition, about which FDA requested and received comment.
- We did not receive comments providing specific information to demonstrate that any additional uses of other BPA-based food packaging materials have been completely and permanently abandoned.

F. Labeling of BPA-Containing Packaging Materials

(Comment 7) One comment asserted that consumers have a need to see what is in food, and proper, precise, and truthful labeling is a must. Therefore, the comment asserted that all products should be labeled so as to give the consumer a choice. Another comment recommended that labeling be required for food packaging materials that contain BPA.

(Response) The petition did not request that FDA establish requirements for the labeling of products manufactured with BPA. Therefore, these comments are outside the scope of the action requested by the petition, and FDA did not consider these comments.

G. Future Presence of BPA in Infant Formula Packaging

(Comment 8) One comment asserted that if the petition is granted and food additive regulations are amended to no longer provide for the use of BPA-based epoxy resins as coatings in infant formula packaging, it would raise concerns about the possible implications of current or future presence of BPA in infant formula packaging as a result of environmental contamination. Because no specific level was included in the petition, the comment asserted that the detection of any BPA level in infant formula packaging could result in an adulterated product. The comment asked that we explain how we will handle reports of detectable levels of BPA in infant formula packaging that may be due to environmental contamination.

(Response) This comment is not relevant to whether the use of BPA-based epoxy resins as coatings in infant formula packaging has been abandoned. The focus of this amendment is to no longer provide for the intentional use of BPA-based epoxy resins as coatings in infant formula packaging. However, we note that it is highly unlikely that BPA-based epoxy resins will be present in infant formula packaging as a result of environmental contamination when BPA-based epoxy resins are not being used as components in the manufacture of infant formula packaging. If FDA identifies the presence of BPA-based epoxy resins in infant formula packaging in the future, FDA will determine whether such presence causes an infant formula product to be adulterated under the FD&C Act.

IV. Conclusion

FDA reviewed the data and information in the petition and other available relevant material to determine whether the use of BPA-based epoxy resins as coatings in packaging for infant formula has been permanently and completely abandoned. Based on the available information, we conclude that this use has been permanently and completely abandoned. Therefore, we are amending § 175.300 to no longer provide for the use of BPA-based epoxy resins as coatings in packaging for infant formula.

V. Public Disclosure

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition will be made available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 171.1(h), the Agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

VI. Environmental Impact

We previously considered the environmental effects of this rule, as stated in the notice of petition for FAP 2B4791 (77 FR 41953 at 41954). We

stated that we had determined, under 21 CFR 25.32(m), that this action ''is of a type that does not individually or cumulatively have a significant effect on the human environment'' such that neither an environmental assessment nor an environmental impact statement is required. We have not received any new information or comments that would affect our previous determination.

VII. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VIII. Objections

If you will be adversely affected by one or more provisions of this regulation, you may file with the Division of Dockets Management (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

It is only necessary to send one set of documents. Identify documents with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation 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.*

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

■ 1. The authority citation for 21 CFR part 175 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

■ 2. Section 175.300 is amended by adding paragraph (i) to read as follows:

§ 175.300 Resinous and polymeric coatings.

* * * * *

(i) Epoxy resins derived by the reaction of 4,4′-isopropylidenediphenol and epichlorohydrin, as described in paragraph (b)(3)(viii)(*a*) of this section, may be used in accordance with this section except as coatings in packaging for powdered and liquid infant formula.

Dated: July 8, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–16684 Filed 7–11–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0566]

Drawbridge Operation Regulation; Trent River, New Bern, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the operating schedule that governs the US 70/Alfred C. Cunningham Bridge across the Trent River, mile 0.0, at New Bern, NC. The deviation allows the bridge draw span to remain in the closed to navigation position to accommodate the free movement of pedestrians and vehicles during the annual Mumfest celebration.

DATES: This deviation is effective from 9 a.m. to 7 p.m. on October 12, 2013 and from 9 a.m. to 5 p.m. on October 13, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0566] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mrs. Jessica Shea, Bridge Management Specialist, Fifth Coast Guard District, telephone (757) 398–6422, email *jessica.c.shea2@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The Event Director for the New Bern Mumfest, with approval from the North Carolina Department of Transportation, owner of the drawbridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.843(a) to accommodate safe passage for pedestrians and vehicles during Mumfest.

The US 70/Alfred C. Cunningham Bridge across the Trent River, mile 0.0, a double bascule lift Bridge, in New Bern, NC, has a vertical clearance in the closed position of 14 feet, above mean high water. Under the normal operating schedule, the US 70/Alfred C. Cunningham Bridge would open on signal during this timeframe. However, under this temporary deviation, the drawbridge will only be allowed to open every two hours, on the hour, starting at 9 a.m. and continuing until 7 p.m. on Saturday, October 12, and 9 a.m. to 5 p.m. on Sunday, October 13, 2013 to accommodate the New Bern Mumfest. From 8 p.m. on Saturday, October 12, until 9 a.m. Sunday, October 13, 2013, the drawbridge will open on signal.

Vessels able to pass under the closed span may do so. Mariners are advised to proceed with caution. The Coast Guard will inform users of the waterway through our Local and Broadcast Notices to Mariners of the limited operating schedule for the drawbridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation. There are no alternate routes for vessels and the bridge will be able to open in the event of an emergency.

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

Dated: June 27, 2013.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2013–16714 Filed 7–11–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0212]

RIN 1625–AA00

Safety Zone; Fairfield Estates Fireworks Display, Atlantic Ocean, Sagaponack, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Atlantic Ocean, in Sagaponack, NY for the Fairfield Estates fireworks display. This action is necessary to provide for the safety of life on navigable waters during the event. Entering into, transiting through, remaining, anchoring or mooring within this regulated area would be prohibited unless authorized by the Captain of the Port Sector Long Island Sound.

DATES: This rule is effective from 8:30 p.m. August 1, 2013, until 10:30 p.m. on August 2, 2013. This rule will be enforced from 8:30 p.m. until 10:30 p.m. on August 1 and 2, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0212]. 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 Petty Officer Scott Baumgartner, Prevention Department, Coast Guard Sector Long Island Sound, (203) 468–4428, *Scott.A.Baumgartner@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

On April 29, 2013, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Fairfield Estates Fireworks Display, Atlantic Ocean, Sagaponack, NY in the **Federal Register** (78 FR 25008). No public comments were received. There were no requests received for a public meeting and due to the fact that no significant issues were identified the Coast Guard determined that no public meetings were needed.

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** because it is impracticable and contrary to the public interest. Upon creating a regulation for this event, there was insufficient time to both undertake an NPRM and provide for a 30 day delayed effective date. The Coast Guard allowed public comment by publishing an NPRM, however, there is insufficient time before the event to also allow for a 30 day delayed effective date. Any delay in the effective period could increase the risk for event participants and other waterway users.

B. Basis and Purpose

The legal basis for this temporary rule is 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1 which collectively authorize the Coast Guard to define regulatory safety zones.

This temporary regulation is necessary to ensure the safety of vessels and spectators from hazards associated with fireworks display.

C. Discussion of Comments, Changes and the Final Rule

No comments were received and no changed have been made to the final rule.

This rule will be enforced from 8:30 p.m. to 10:30 p.m. on August 1 and 2, 2013. If there is no weather delay and the event occurs on August 1, 2013, enforcement on August 2, 2013, may be cancelled by the Captain of the Port.

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.

The Coast Guard determined that this rulemaking will not be a significant regulatory action for the following reasons: The regulated area will be of limited duration, the area covers only a small portion of the navigable waterways and waterway users may transit around the area. Also, mariners may request permission from the COTP Sector Long Island Sound or the designated representative to transit the zone.

Advanced public notifications will also be made to the local maritime community through the Local Notice to Mariners as well as Broadcast Notice to Mariners.

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 received zero comments from the Small Business Administration on this rule. 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.

The owners or operators of vessels intending to enter, transit, anchor or moor within the regulated area during the effective period. The temporary safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The regulated area will be of limited size and of short

duration and mariners may request permission from the COTP Sector Long Island Sound or the designated representative to transit the zone. Notifications will be made to the maritime community through the Local Notice to Mariners and Broadcast Notice to Mariners well in advance of the event.

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. 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 AREA 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, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0212 to read as follows:

§ 165.T01–0212 Safety Zone; Fairfield Estates Fireworks Display, Atlantic Ocean, Sagaponack, NY.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean within a 1000-foot radius of the fireworks barge located off the Fairfield Estate in Sagaponack, NY approximate position 40°54′26.97″ N, 072°15′09.39″ W North American Datum 1983.

(b) *Enforcement Period.* This rule will be enforced from 8:30 p.m. until 10:30 p.m. on August 1, 2013. If the event is postponed due to inclement weather, then this rule will be enforced from 8:30 p.m. until 10:30 p.m. on August 2, 2013.

(c) *Regulations.* The general regulations contained in 33 CFR 165.23 apply. During the enforcement period, entering into, transiting through, remaining, mooring or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port

(COTP) or the designated representatives.

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

(i) *Designated Representative.* A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the COTP, Sector Long Island Sound, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(ii) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Sector Long Island Sound.

(iii) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(2) Spectators desiring to enter or operate within the regulated area should contact the COTP Sector Long Island Sound at 203–468–4401 (Sector LIS command center) or the designated representative via VHF channel 16 to obtain permission to do so. Spectators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP Sector Long Island Sound or the designated on-scene representative.

(3) Upon being hailed by a U.S. Coast Guard vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(4) Fireworks barges used in this location will have a sign on their port and starboard side labeled ''FIREWORKS—STAY AWAY''. This sign will consist of 10 inch high by 1.5 inch wide red lettering on a white background.

Dated: June 20, 2013.

J.M. Vojvodich,

Captain, U. S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2013–16713 Filed 7–11–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–1084]

Safety Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: At various times throughout the month of July, the Coast Guard will enforce certain safety zones for annual fireworks events in the Captain of the Port Buffalo Zone. This action is necessary and intended for the safety of life and property on navigable waters during this event. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

DATES: The regulations in 33 CFR 165.939 will be enforced on the dates and times listed in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Waterways Management Division, Coast Guard Sector Buffalo, 1 Fuhrmann Blvd. Buffalo, NY 14203; Coast Guard telephone 716–843–9343, email *SectorBuffaloMarineSafety@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939 for the following events:

(1) *Sheffield Lake Fireworks, Sheffield Lake, OH;* The safety zone listed in 33 CFR 165.939(a)(27) from 9:30 p.m. to 10:50 p.m. on July 12, 2013.

(2) *French Festival Fireworks, Cape Vincent, NY;* The safety zone listed in 33 CFR 165.939(a)(3) from 9:15 p.m. to 11 p.m. on July 13, 2013.

(3) *Oswego Harborfest, Oswego, NY;* The safety zone listed in 33 CFR 165.939(a)(7) from 8:30 p.m. to 10:30 p.m. on July 27, 2013.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter one of these safety zones may request permission from the Captain of Port Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter one of these safety zones shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice is issued under authority of 33 CFR 165.939 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 these enforcement periods via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that one of these safety zones need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: June 27, 2013.

J.S. Imahori,

Commander, U.S. Coast Guard, Acting Captain of the Port Buffalo.

[FR Doc. 2013–16863 Filed 7–11–13; 8:45 a.m.]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2013–0180, FRL–9830–7]

Approval and Promulgation of Implementation Plans; New York State Ozone Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the New York State Implementation Plan (SIP) for ozone concerning the control of oxides of nitrogen. The SIP revision consists of amendments to Title 6 of the New York Codes, Rules and Regulations Part 200, ''General Provisions,'' Part 212, ''General Process Emission Sources,'' Part 220, ''Portland Cement Plants and Glass Plants,'' and Subpart 227–2, ''Reasonably Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_X).'' The intended effect of this action is to approve control strategies, required by the Clean Air Act, which will result in emission reductions that will help attain and maintain the national ambient air quality standards for ozone.

DATES: This rule will be effective August 12, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2013–0180. All

documents in the docket are listed on the *www.regulations.gov* Web site. 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. The Air Programs Branch dockets are available from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Air Programs Branch telephone number is 212–637–4249.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3381.

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I. What was included in New York's submittals?

On August 19, 2010 and December 15, 2010, the New York State Department of Environmental Conservation (NYSDEC), submitted to EPA proposed revisions to the SIP, which included State adopted revisions to four regulations contained in Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Part 200, ''General Provisions,'' Part 212, ''General Process Emission Sources,'' Part 220, ''Portland Cement Plants and Glass Plants,'' and Part 227–2, ''Reasonably Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_X),'' with effective dates of January 1, 2011, September 30, 2010, July 11, 2010 and July 8, 2010, respectively.

II. What comments did EPA receive in response to its proposal?

On April 10, 2013 (78 FR 21302), EPA proposed to approve New York's revised Parts 200, 212, 220 and 227–2. For a detailed discussion on the content and requirements of the revisions to New York's regulations, the reader is referred to EPA's proposed rulemaking action.

In response to EPA's April 10, 2013 proposed rulemaking action, EPA received no public comments.

III. What is EPA's evaluation of part 212, ''General Process Emission Sources''?

The NYSDEC revised 6 NYCRR Part 212, by adding section 212.12, ''Hot mix asphalt production plants,'' to include control requirements for hot mix asphalt production plants. These control requirements will be specifically aimed at reducing NO_X emissions resulting from combustion during the aggregate drying and heating process.

With the exception of section 212.12, NO_X RACT requirements under Part 212 affect only major facilities. Major facilities or major sources are those that have a potential to emit NO_X emissions in excess of 100 tons/yr (upstate) and 25 tons/yr (downstate or in the New York Metropolitan Area). Most, if not all, hot mix asphalt plants in New York State are minor sources. These new requirements will therefore be targeted primarily at minor sources. On February 28, 2013, New York submitted a letter to EPA certifying that there are no ''major source'' asphalt production plants located in New York State.

Part 212 contains the required elements for a federally enforceable rule: Emission control requirements, compliance procedures and test methods, compliance dates and record keeping provisions. Therefore, EPA is approving the revisions to Part 212.

IV. What is EPA's evaluation of part 220, ''Portland Cement Plants and Glass Plants''?

The NYSDEC revised 6 NYCRR Part 220, which is divided into two subparts: 220–1 for portland cement plants; and 220–2 for glass manufacturing plants. In addition to other requirements, the existing regulation imposed RACT requirements on NO_X emissions from portland cement kilns. The NYSDEC revised Part 220 to require updated NO_X RACT for cement kilns at portland cement plants, and to require NO_X RACT for glass furnaces at glass plants. The revisions will apply statewide to major facilities only. Major facilities are those that have a potential to emit NO_X emissions that exceed 100 tons/yr (upstate) and 25 tons/yr (downstate).

The NYSDEC is taking a RACT approach that requires a facility specific analysis. The plant owner or operator will be required to perform a facility specific RACT analysis for emissions of NO_X that includes proposed NO_X RACT emission limit(s), identifies the procedures and monitoring equipment to be used to demonstrate compliance with the proposed NO_X RACT emission limit(s), and includes a schedule for equipment installation. The RACT analysis will be submitted to the NYSDEC for review and approval and subsequently submitted to EPA as a proposed revision to the SIP.

Subpart 220–1 Portland Cement Plants

It is EPA's understanding that there are three portland cement plants located in New York State that are subject to the RACT provisions of subpart 220–1 (Holcim, Lafarge and Lehigh). These three facilities are also subject to New York's regional haze plan's best available retrofit technologies (BART) provisions pursuant to 6 NYCRR Part 249.

On August 28, 2012 (77 FR 51915), EPA approved the BART determinations for the three portland cement plants pursuant to Part 249. Although EPA believes that the BART determinations approved for these facilities would also constitute RACT, New York is obligated to perform RACT evaluations and submit the RACT determinations to EPA as SIP revisions in order to satisfy the subpart 220–1.6(b)(4) RACT requirement and sections 172(c)(1) and 182(b) of the Clean Air Act (Act). In a letter dated February 28, 2013 to EPA, New York commits to submit the applicable single source NO_X RACT determinations to EPA by December 1, 2013.

EPA evaluated the provisions of subpart 220–1 for consistency with the Act, EPA regulations, and EPA policy, and is conditionally approving them based on New York submitting the individual single source RACT determinations to EPA by December 1, 2013.

Subpart 220–2 Glass Plants

It is EPA's understanding that there are four glass plants located in New York State. Subpart 220–2 does not identify a specific control strategy or emission limit as RACT for these facilities and requires individual source specific RACT determinations. To date, EPA has not received any of those source specific RACT determinations. However, in a letter dated February 28, 2013 to EPA, New York commits to submit the applicable single source NO_X

RACT determinations to EPA by December 1, 2013.

EPA evaluated the provisions of subpart 220–2 for consistency with the Act, EPA regulations, and EPA policy, and is conditionally approving them based on New York submitting the individual single source RACT determinations to EPA by December 1, 2013.

V. What is EPA's evaluation of part 227–2, ''Reasonably Available Control Technology (RACT) for Major Facilities of Oxides of Nitrogen (NO_X)''?

New York adopted revisions to Subpart 227–2 for the purpose of imposing more stringent emission limits on major stationary sources of NO_X that contribute to local and regional nonattainment of the 1997 and 2008 ozone standards. The revisions to Subpart 227–2 essentially entail increasing the stringency of emissions limits for six of the source categories and lowering of the size thresholds for two categories of sources. There are also two revisions that will allow subject sources increased flexibility in achieving compliance—one allows different owners to engage in a systems averaging plan and the second allows a permanent shutdown by a date certain as a compliance option.

Regarding the systems averaging plan, EPA has not classified any 8-hour ozone nonattainment areas in New York as ''severe.'' However, EPA classified the New York City Metropolitan area (NYMA) as severe nonattainment for the 1-hour standard. Although EPA revoked the 1-hour standard, the ''severe'' classification for the NYMA 1-hour area was retained to maintain consistency with existing SIP-approved regulations and the ''anti-backsliding'' provisions of the Act. The counties affected by the 1-hour ''severe'' classification are the same counties defined by EPA for New York's marginal 2008 8-hour ozone nonattainment area for the NYMA and include the same counties now being maintained for the 1997 8-hour moderate ozone NYMA. As discussed in the April 10, 2013 proposed rule, since New York avoids potential confusion by defining the affected counties in the ''severe nonattainment area,'' this is acceptable to EPA.

Therefore, since the NYMA is the only area designated as severe for ozone, sources in the NYMA cannot average with sources outside the NYMA.

EPA believes that the new presumptive emission limits and other control requirements will result in additional NO_X reductions throughout the State thereby strengthening New York's ozone SIP and will help the State attain and maintain the 1997 ozone standard and help achieve attainment of the 2008 8-hour ozone standard. In addition, New York's revised system averaging plan is acceptable to EPA as it is enforceable through federally enforceable Title V operating permits and it reflects current situations where there could be multiple ownership of a particular facility.

EPA evaluated the provisions of Part 227–2 for consistency with the Act, EPA regulations, and EPA policy and is approving them.

VI. What other revisions did New York make?

New York also made administrative changes to Part 200, ''General Provisions'' which reflect implementation of the Part 212, 220 and 227–2 provisions. The Part 200 revisions also reflect implementation of provisions for three previously approved New York regulations, Part 228, ''Surface Coating Processes, Commercial and Industrial Adhesives, Sealants and Primers,'' Part 234, ''Graphic Arts,'' and Part 241, ''Asphalt Pavement and Asphalt Based Surface Coating,'' (see 77 FR 13974). It is important to note that EPA is approving only those revisions made to Part 200, specifically sections 200.1 and 200.9, as effective January 1, 2011.

VII. What is EPA's conclusion?

EPA has evaluated New York's submittal for consistency with the Act, EPA regulations, and EPA policy. EPA is approving revisions made to 6 NYCRR Part 200, ''General Provisions,'' Part 212, ''General Process Emission Sources,'' Part 220, ''Portland Cement Plants and Glass Plants,'' and Part 227–2, ''Reasonably Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_X)'' with effective dates of January 1, 2011, September 30, 2010, July 11, 2010 and July 8, 2010, respectively, as meeting the SIP requirements of the Act. EPA is: Approving sections 200.1 and 200.9; approving Part 212; conditionally approving Part 220 based on New York's commitment to submit the individual RACT determinations to EPA as SIP revisions by December 1, 2013; and, approving Part 227–2. These revisions meet the requirements of the Act and EPA's regulations, and are consistent with EPA's guidance and policy. EPA is taking this action pursuant to section 110 and part D of the Act and EPA's regulations.

EPA is conditionally approving New York's proposed revisions to 6 NYCRR Part 220 based on New York's February 28, 2013 letter, committing to submit the applicable NO_X RACT single source SIPs by December 1, 2013.

EPA is also correcting a typographical error to table (c), ''EPA approved regulations'' in 40 CFR 52.1670 for the Part 241, ''Asphalt Pavement and Asphalt Based Surface Coating'' entry which EPA approved on March 8, 2012 (77 FR 13974).

VIII. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: June 27, 2013.

Judith A. Enck,

Regional Administrator, Region 2.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart HH—New York

■ 2. In 52.1670, the table in paragraph (c) is amended under Title 6 by:

■ a. Revising the entry for Part 200, Section 200.1;

■ b. Removing the entry for Sections 200.6, 200.7 and 200.9, and adding in its place an entry for Sections 200.6 and 200.7, and an entry for Section 200.9;

■ c. Revising the entries for Parts 212, 220, Subpart 227–2 and Part 241 to read as follows:

52.1670 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEW YORK STATE REGULATIONS AND LAWS

New York State regulation	State effective date	Latest EPA approval date	Comments
Title 6:			
Part 200, General Provisions Section 200.1	1/1/11	7/12/13 [Insert page number where the document begins].	The word odor is removed from the Subpart 200.1(d) definition of ''air contaminant or air pollutant.'' Redesignation of non-attainment areas to attainment areas (200.1(av)) does not relieve a source from compliance with previously applicable requirements as per letter of Nov. 13, 1981 from H. Hovey, NYSDEC. Changes in definitions are acceptable to EPA unless a previously approved definition is necessary for implementation of an existing SIP regulation. EPA is including the definition of ''Federally enforceable'' with the understanding that (1) the definition applies to provisions of a Title V permit that are correctly identified as Federally enforceable, and (2) a source accepts operating limits and conditions to lower its potential to emit to become a minor source, not to ''avoid'' applicable requirements.
Sections 200.6 and 200.7	2/25/00	4/22/08, 73 FR 21548.	
Section 200.9	1/1/11	7/12/13 [Insert page number where the document begins].	EPA is approving reference documents that are not already Federally enforceable.
* *	*	*	* * *
Part 212, General Process Emission Sources.	9/30/10	7/12/13 [Insert page number where the document begins].	SIP revisions submitted in accordance with § 212.10(c)(3) and 212.12(c) are effective only if approved by EPA.
* *	*	*	* * *
Part 220, Portland Cement Plants and Glass Plants.	7/11/10	7/12/13 [Insert page number where the document begins].	SIP revisions submitted in accordance with § 220–1.6(b)(4) and 220–2.3(a)(4) are effective only if approved by EPA.

EPA-APPROVED NEW YORK STATE REGULATIONS AND LAWS—Continued

New York State regulation	State effective date	Latest EPA approval date	Comments
* *	*	* *	* *
Subpart 227–2, Reasonably Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_X).	7/8/10	7/12/13 [Insert page number where the document begins].	SIP revisions submitted in accordance with § 227–2.3(c) are effective only if approved by EPA.
* *	*	* *	* *
Part 241, Asphalt Pavement and Asphalt Based Surface Coating.	1/1/11	3/8/12, 77 FR 13974.	
* *	*	* *	* *

[FR Doc. 2013–16493 Filed 7–11–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2007–0602; FRL–9831–6]

Approval and Promulgation of Implementation Plans for North Carolina: Partial Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; partial withdrawal.

SUMMARY: Due to comments received, EPA is publishing a partial withdrawal of the direct final approval of revisions to the North Carolina State Implementation Plan (SIP). EPA stated in the direct final rule that if EPA received adverse comments by June 17, 2013, the rule would be withdrawn and not take effect.

DATES: This partial withdrawal is effective July 12, 2013.

FOR FURTHER INFORMATION CONTACT: Sara Waterson, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Phone number: (404) 562–9061; Email: *waterson.sara@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 16, 2013 (78 FR 28747), EPA published a direct final rulemaking to approve a portion of North Carolina's February 3, 2010, SIP submission that updates the North Carolina SIP to incorporate EPA's current national ambient air quality standards (NAAQS) for ozone, lead, and particulate matter (PM). The SIP submission contains amendments to North Carolina Rules 15A NCAC 02D .0405, .0408, .0409, and .0410 reflecting EPA's current NAAQS for the aforementioned criteria pollutants. On May 16, 2013, EPA also published an accompanying proposed rulemaking to approve the SIP revision in the event that EPA received adverse comments on the direct final rulemaking. *See* 78 FR 28775.

In the direct final rulemaking, EPA explained that the Agency was publishing the rule without prior proposal because the Agency viewed the submittal as a non-controversial SIP amendment and anticipated no adverse comments. Further, EPA explained that the Agency was publishing a separate document in the proposed rules section of the **Federal Register** to serve as the proposal to approve the SIP revision should an adverse comment be filed. EPA also noted that the rules would be effective on July 15, 2013, without further notice unless the Agency received adverse comment by June 17, 2013. EPA explained that if the Agency received such comments, then EPA would publish a document withdrawing the final rule and informing the public that the rule would not take effect. It was also explained that all public comments received would then be addressed in a subsequent final rule based on the proposed rule, and that EPA would not institute a second comment period on these actions. The public was advised that if no comments were received that the rules would be effective on July 15, 2013, with no further actions on the proposed rule.

On May 23, 2013, EPA received a comment from a single commenter that could be viewed as adverse with regard to the approval action that EPA contemplated for the PM portion of the North Carolina SIP revision. In summary, the commenter noted that the portion of North Carolina's SIP revision related to the $PM_{2.5}$ NAAQS that was addressed in EPA's May 16, 2013, rulemaking actions did not reflect EPA's December 2012 revision to this standard. The commenter recommended that EPA approve the SIP as submitted and encourage North Carolina to update its SIP to reflect the December 2012 update within a reasonable amount of time. The commenter expressed support for EPA's approval of the portions of the SIP revision that incorporated updates to the other NAAQS subject to the May 16, 2013, rulemakings.

As result of this comment, EPA is withdrawing the direct final action related solely to the PM portion of the North Carolina SIP revision. Specifically, through today's action, EPA is withdrawing the May 16, 2013, direct final approval of North Carolina's SIP submission to update the PM NAAQS via incorporation of amended North Carolina Rules 15A NCAC 02D .0410 ''$PM_{2.5}$ Particulate Matter'' and 15A NCAC 02D .0409 ''PM_{10} Particulate Matter'' into the SIP.

As indicated in the direct final rulemaking, EPA's May 16, 2013, proposed rulemaking approving North Carolina's SIP revision related to the PM NAAQS is still in effect. The Agency is not opening an additional comment period and will only consider the comments received prior to June 17, 2013, the close of the public comment period. If EPA determines that it is appropriate to finalize the proposed approval of the North Carolina SIP revision related to the PM NAAQS, EPA will publish a final rule which will include a response to the comment received. In the event that EPA determines that it is not appropriate to finalize the proposed approval related to the PM NAAQS, EPA may issue a subsequent proposal with a different course of action.

Today's withdrawal action does not affect EPA's May 16, 2013, direct final action on North Carolina's SIP revision related to the ozone and lead NAAQS.

The SIP revision updating the ozone and lead NAAQS are approved and updated North Carolina Rules 15A NCAC 02D .0405 and .0408 are incorporated into the SIP as of the effective date of the May 16, 2013, direct final action (July 15, 2013).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: June 28, 2013.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

§ 52.1770 [Amended]

For the reasons set forth in the preamble, EPA withdraws the revision of the entries for .0409 and .0410 in Table 1 of § 52.1770(c) published at 78 FR 28747 (May 16, 2013).

[FR Doc. 2013–16654 Filed 7–11–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2013–0223; FRL–9831–5]

Approval and Promulgation of Implementation Plans for Georgia: Partial Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; partial withdrawal.

SUMMARY: Due to comments received, EPA is publishing a partial withdrawal of the direct final approval of revisions to the Georgia State Implementation Plan (SIP). EPA stated in the direct final rule that if EPA received adverse comments by June 17, 2013, the rule would be withdrawn and not take effect.

DATES: The partial withdrawal is effective July 15, 2013.

FOR FURTHER INFORMATION CONTACT: Sara Waterson, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Phone number: (404) 562–9061; Email: *waterson.sara@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 16, 2013 (78 FR 28744), EPA published a direct final rulemaking to approve portions of Georgia's September 15, 2008, August 30, 2010 (two submittals), and December 11, 2011, SIP submissions that update the Georgia SIP to incorporate EPA's current national ambient air quality standards (NAAQS) for the sulfur dioxide, nitrogen dioxide, ozone, lead, and particulate matter (PM) NAAQS. The SIP submissions contain amendments to Georgia Rules 391–3–1.–02(4)(b), (c), (e), (f), and (g) reflecting EPA's current NAAQS for the aforementioned criteria pollutants. On May 16, 2013, EPA also published an accompanying proposed rulemaking to approve the SIP revisions in the event that EPA received adverse comments on the direct final rulemaking. *See* 78 FR 28776.

In the direct final rulemaking, EPA explained that the Agency was publishing the rule without prior proposal because the Agency viewed the submittals as non-controversial SIP amendments and anticipated no adverse comments. Further, EPA explained that the Agency was simultaneously publishing a separate document in the proposed rules section of the **Federal Register** to serve as the proposal to approve the SIP revisions should an adverse comment be filed. EPA also noted that the rule would be effective on July 15, 2013, without further notice unless the Agency received adverse comment by June 17, 2013. EPA explained that if the Agency received such comments, then EPA would publish a document withdrawing the final rule and informing the public that the rule would not take effect. It was also explained that all public comments received would then be addressed in a subsequent final rule based on the proposed rule, and that EPA would not institute a second comment period on these actions. The public was advised that if no comments were received that the rule would be effective on July 15, 2013, with no further action on the proposed rule.

On May 17, 2013, EPA received a comment from a single commenter that could be viewed as adverse with regard to the approval action that EPA contemplated for the PM portion of the Georgia SIP revision. In summary, the commenter noted that Georgia's SIP revision related to the $PM_{2.5}$ NAAQS that was addressed in EPA's May 16, 2013, rulemaking actions did not reflect EPA's December 2012 revision to this standard. The commenter recommended that EPA conditionally approve Georgia's ''particulate matter SIP'' on the condition that the State submit a revised SIP within a reasonable amount of time reflecting the December 2012 $PM_{2.5}$ NAAQS. The commenter expressed support for EPA's approval of the SIP revisions incorporating updates to the other NAAQS subject to the May 16, 2013, rulemakings.

As result of this comment, EPA is withdrawing the direct final action related solely to the PM portion of the Georgia SIP revision. Specifically, through today's action, EPA is withdrawing the May 16, 2013, direct final approval of Georgia's SIP submission to update the PM NAAQS via incorporation of amended Georgia Rule 391–3–1–.02(4)(c) ''Particulate Matter'' into the SIP.

As indicated in the direct final rulemaking, EPA's May 16, 2013, proposed rulemaking approving Georgia's SIP revision related to the PM NAAQS is still in effect. The Agency is not opening an additional comment period and will only consider the comments received prior to June 17, 2013, the close of the public comment period. If EPA determines that it is appropriate to finalize the proposed approval of the Georgia SIP revision related to the PM NAAQS, EPA will publish a final rule which will include a response to the comment received. In the event that EPA determines that it is not appropriate to finalize the proposed approval related to the PM NAAQS, EPA may issue a subsequent proposal with a different course of action.

Today's withdrawal action does not affect EPA's May 16, 2013, direct final action on Georgia's SIP revisions related to the sulfur dioxide, nitrogen dioxide, ozone, and lead NAAQS. The SIP revisions updating the sulfur dioxide, nitrogen dioxide, ozone, and lead NAAQS are approved and amended Georgia Rules 391–3–1–.02(4)(b), (e), (f), and (g) are incorporated into the SIP as of the effective date of the May 16, 2013, direct final action (July 15, 2013).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: June 28, 2013.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart L—Georgia

■ 2. Section 52.570 (c) is amended under Table 1, under Emission Standards by revising the entry for ''391–3–1–.02(4)'' to read as follows:

§ 52.570 Identification of plan

* * * * *

(c) * * *

EPA-APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Emission Standards				
*	*	*	*	*
391–3–1–.02(4)	Ambient Air Standards	9/13/2011	5/16/2013	Only subparagraphs (b), (e), (f), and (g) were approved.
*	*	*	*	*

* * * * *

[FR Doc. 2013–16655 Filed 7–11–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

Hours of Service for Commercial Motor Vehicle Drivers; Regulatory Guidance Concerning Off-Duty Time

AGENCY: Federal Motor Carrier Safety Administration, DOT.

ACTION: Regulatory guidance.

SUMMARY: FMCSA revises its April 4, 1997, regulatory guidance concerning the conditions that must be met in order for a commercial motor vehicle (CMV) driver to record meal and other routine stops made during a work shift as off-duty time. The Agency has reviewed the guidance and determined that it includes language that is overly restrictive and inconsistent with the hours-of-service regulations. The 1997 guidance has the effect of discouraging drivers from taking breaks during the work day, or documenting such breaks in their logbooks.

DATES: This guidance is effective July 12, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Yager, Chief, Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations; 1200 New Jersey Ave. SE., Washington, DC 20590, Telephone 202–366–4325, Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Legal Basis

The Secretary of Transportation has statutory authority to set minimum standards for commercial motor vehicle safety. These minimum standards must ensure that: (1) CMVs are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of CMVs do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of CMVs is adequate to enable them to operate the vehicles safely; (4) the operation of CMVs does not have a deleterious effect on the physical condition of the operators; and (5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation. (49 U.S.C. 31136(a)(1)–(5), as amended). The Secretary also has broad power in carrying out motor carrier safety statutes and regulations to ''prescribe recordkeeping and reporting requirements'' and to ''perform other acts the Secretary considers appropriate.'' (49 U.S.C. 31133(a)(8) and (10)).

The Administrator of FMCSA has been delegated authority under 49 CFR 1.87(f) to carry out the functions vested in the Secretary of Transportation by 49 U.S.C. chapter 311, subchapters I and III, relating to commercial motor vehicle programs and safety regulation.

Background

On April 4, 1997 (62 FR 16370), the Federal Highway Administration (FHWA) published ''Regulatory Guidance for the Federal Motor Carrier Safety Regulations.'' The notice presented interpretive guidance material for the Federal Motor Carrier Safety Regulations (FMCSRs) based on the FHWA's consolidation or previously issued interpretations and regulatory guidance materials. The FHWA developed concise interpretive guidance in question-and-answer form for each part of the FMCSRs.

The 1997 notice included the following guidance to 49 CFR 395.2 on page 16422 (62 FR 16422):

Question 2: What conditions must be met for a Commercial Motor Vehicle (CMV) driver to record meal and other routine stops made during a tour of duty as off-duty time?

Guidance: 1. The driver must have been relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying.

2. The duration of the driver's relief from duty must be a finite period of time which is of sufficient duration to ensure that the accumulated fatigue resulting from operating a Commercial Motor Vehicle (CMV) will be significantly reduced.

3. If the driver has been relieved from duty, as noted in (1) above, the duration of the relief from duty must have been made known to the driver prior to the driver's departure in written instructions from the employer. There are no record retention requirements for these instructions on board a vehicle or at a motor carrier's principal place of business.

4. During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the vehicle is situated.

While FMCSA has not received any requests for clarification of the guidance, the Agency believes it is out-of-date and no longer provides practical assistance to motor carriers attempting to achieve compliance with the HOS rules. As currently written, the guidance lays out requirements for written instructions from drivers' employers concerning the duration of breaks during the work shift which is inconsistent with the requirements of 49

CFR part 395. The guidance implicitly imposes a recordkeeping requirement, but relieves both the carrier and the driver of any responsibility for maintaining a copy of the instructions at the principal place of business or on the CMV.

In addition, the current guidance includes an unenforceable performance standard for assessing the validity of a break that will be recorded as off-duty. The guidance states the break must be long enough to ensure that the accumulated fatigue resulting from driving the CMV will be significantly reduced.

FMCSA's Decision To Revise the Regulatory Guidance

In consideration of the above, FMCSA has determined the 1997 regulatory guidance should be revised to eliminate language that has the effect of discouraging drivers from taking breaks during the work day, or documenting such breaks in their logbooks. The FMCSA revises Question 2 to 49 CFR 395.2, to read as follows:

Hours of Service for Commercial Motor Vehicle Drivers Regulatory Guidance for 49 CFR 395.2, Definitions

Question 2: What conditions must be met for a commercial motor vehicle (CMV) driver to record meal and other routine stops made during a work shift as off-duty time?

Guidance: Drivers may record meal and other routine stops, including a rest break of at least 30 minutes intended to satisfy 49 CFR 395.3(a)(3)(ii), as off-duty time provided:

1. The driver is relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying.

2. During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing.

Through the revision of the regulatory guidance, FMCSA makes clear that the motor carrier need not provide formal guidance, either verbal or written, to drivers with regard to the specific times and locations where rest break may be taken. The revised guidance also emphasizes that periods of time during which the driver is free to stop working, and engage in activities of his/her choosing, may be recorded as off-duty time, irrespective of whether the driver has the means or opportunity to leave a particular facility or location. All previously issued guidance on this matter should be disregarded if inconsistent with today's notice.

Issued on: July 5, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–16687 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Chapter I

[Notice No. 13–6]

Safety Advisory Guidance: Heating Rail Tank Cars To Prepare Hazardous Material for Unloading or Transloading

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Safety advisory guidance.

SUMMARY: This guidance provides safety precautions and recommended guidance for persons responsible for unloading or transloading [1] hazardous materials from rail tank cars, specifically those persons heating a rail tank car to prepare its hazardous material contents for unloading or transloading. Further, this guidance reminds such persons of current regulatory requirements addressing this type of operation. PHMSA is issuing this guidance in coordination with the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA), and in consultation with the Federal Railroad Administration (FRA).

FOR FURTHER INFORMATION CONTACT: Cheryl West Freeman, Division of Engineering and Research, Pipeline and Hazardous Materials Safety Administration, 202–366–4545. For further information regarding OSHA regulations, contact OSHA, Office of Communications at 202–693–1999 and for further information regarding EPA's Risk Management Plan, go to: *www.epa.gov/emergencies/rmp.*

SUPPLEMENTARY INFORMATION:

I. Background
II. PHMSA's Coordinated Response With OSHA and EPA
III. Federal Regulations
A. Applicable PHMSA Regulations
B. Applicable OSHA Regulations or Standards
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IV. Guidance for Heating of Rail Tank Cars for Unloading or Transloading

I. Background

PHMSA's mission is to protect people and the environment from the risks of hazardous materials transportation, including those loading and unloading operations covered under PHMSA regulations. Our efforts to enhance the safety of hazardous materials loading and unloading operations include development of standards for bulk loading and unloading of hazardous materials as part of our current strategic plan. Towards this end, on May 24, 1999, the Research and Special Programs Administration (PHMSA's predecessor agency) published a final rule [Docket No. RSPA–97–2718 (HM–225A), Hazardous Materials: Revision to Regulations Governing Transportation and Unloading of Liquefied Compressed Gases] that revised regulations applicable to the transportation and unloading of liquefied compressed gases. The revisions included new inspection, maintenance, and testing requirements for cargo tank discharge systems, including delivery hose assemblies, and revised attendance requirements applicable to liquefied petroleum gas and anhydrous ammonia. Also, more recently, on March 11, 2011, PHMSA published a Notice of Proposed Rulemaking [Docket Number PHMSA–2007–28119 (HM–247), Hazardous Materials: Cargo Tank Motor Vehicle Loading and Unloading] that proposes to amend our regulations to require each person (*i.e.,* carrier or facility) who engages in cargo tank loading or unloading operations to perform a risk assessment of the loading and unloading operation and develop and implement safe operating procedures based upon the results of the risk assessment. We received comments on the proposals in this NPRM and are currently evaluating the best course of action to address them.

As part of our continuing efforts to enhance the safety of hazardous materials loading and unloading operations, our combined effort with other Federal agencies to protect the public, and in response to the findings from an NTSB investigation, PHMSA is issuing this safety advisory guidance to all entities responsible for unloading or transloading of heated hazardous material from a rail tank car. In 1999 and again in 2002, accidents occurred as a result of the process of heating rail tank cars for unloading hazardous materials. On February 18, 1999, a rail tank car, which was on the unloading rack at the Essroc Cement Corporation

[1] As defined in § 171.8, *Transloading* means the transfer of a hazardous material by any person from one bulk packaging to another bulk packaging, from a bulk packaging to a non-bulk packaging, or from a non-bulk packaging to a bulk packaging for the purpose of continuing the movement of the hazardous material in commerce.

(Essroc) Logansport cement plant near Clymers, Indiana, sustained a sudden and catastrophic rupture that propelled the tank of the rail tank car an estimated 750 feet and over multistory storage tanks. The 20,000-gallon rail tank car initially contained about 161,700 pounds (14,185 gallons) of a toxic and flammable hazardous waste that was used as a fuel for the plant's kilns. There were no injuries or fatalities. Total damages, including property damage and costs from lost production, were estimated at nearly $8.2 million. The National Transportation Safety Board (NTSB) determined that the probable cause of the accident was the failure of Essroc to develop and implement safe procedures for heating rail tank cars for unloading hazardous waste (*i.e.,* toluene diisocyanate matter wastes). This lack of procedures resulted in the over-pressurization of the rail tank car due to chemical self-reaction and expansion of the toluene diisocyanate matter wastes.

On September 13, 2002, a 24,000-gallon-capacity rail tank car containing about 6,500 gallons of hazardous waste catastrophically ruptured at a transfer station at the BASF Corporation chemical facility in Freeport, Texas. The rail tank car had been steam-heated to permit the transfer of the waste to a cargo tank motor vehicle for subsequent disposal. The waste was a combination of cyclohexanone oxime, cyclohexanone, and water. As a result of the accident, 28 people received minor injuries. Residents living within one mile of the accident site had to shelter in place for five and one-half hours. The rail tank car, cargo tank, and transfer station were destroyed. The force of the explosion propelled a 300-pound rail tank car dome housing about ⅓ mile away from the rail tank car. Two storage tanks near the transfer station were damaged; that resulted in the released about 660 gallons of the hazardous material oleum.[2]

The NTSB investigated the Freeport, Texas accident and determined that the probable cause of the rupture of the rail tank car was over-pressurization resulting from a runaway exothermic decomposition reaction initiated by excessive heating of the hazardous waste material. The NTSB determined that BASF's failure to monitor the temperature and pressure inside the rail tank car while the hazardous waste was heated in preparation for unloading contributed to the accident. As a result of its investigation of the Freeport, Texas accident, the NTSB recommended that PHMSA, in cooperation with the OSHA and the EPA, develop regulations that require safe operating procedures to be established before hazardous materials are heated in a rail tank car for unloading; at a minimum, the NTSB recommended that the procedures should include the monitoring of internal tank pressure and cargo temperature (NTSB Recommendation R–04–10; December 15, 2004).[3]

II. PHMSA's Coordinated Response With OSHA and EPA

PHMSA believes the current regulations provide important requirements for the safe unloading of heated hazardous material from a rail tank car. However, we believe it is always beneficial to remind regulated entities of their duties in affecting safe transportation and to offer guidance in furtherance of performing these duties, and therefore, PHMSA, in coordination with OSHA and EPA, and in consultation with FRA, is issuing this safety advisory guidance. This safety advisory guidance is supplemental to the regulations and is provided as information for all entities responsible for unloading or transloading heated hazardous materials from a rail tank car, including employees responsible for overseeing the operation, inspecting and maintaining equipment, establishing emergency shutdown procedures, and developing safe operating procedures.

Specifically, this safety advisory guidance provides additional guidance on the recommended safety precautions affected entities should use when heating a rail tank car to prepare its hazardous material contents for unloading or transloading. Employing the recommended guidance summarized in this guidance will enhance safety and diminish the occurrence of incidents resulting from the over-pressurization and runaway exothermic decomposition reactions initiated by heating of hazardous material. We note, however, that there is no binding regulatory impact of the guidance offered in this guidance.

III. Federal Regulations

A. Applicable PHMSA Regulations

PHMSA's Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) specify requirements for the safe transportation of hazardous materials in commerce by rail car, aircraft, vessel, and motor vehicle. Requirements in the HMR apply to each person who offers a hazardous material for transportation in commerce, causes a hazardous material to be transported in commerce, or transports a hazardous material in commerce (see 49 CFR 171.1(b) and (c)). Transportation includes the movement of property and loading, unloading, or storage incidental to that movement (see 49 CFR 171.8).

In 49 CFR 172.700, PHMSA sets forth training requirements to ensure a hazmat employee has familiarity with the general provisions of the HMR, is able to recognize and identify hazardous materials, has knowledge of specific requirements of the HMR applicable to functions performed by the employee, and has knowledge of emergency response information, self-protection measures and accident prevention methods and procedures. Any hazmat employee (as defined in 49 CFR 171.8), including the designated employee, must be trained at least once every three years in accordance with the existing ''function specific'' training requirements in 49 CFR 172.704.

Unloading incidental to movement includes rail tank car transloading operations, such as the one that resulted in the Freeport, Texas accident described above (see 49 CFR 171.8). Rail tank car unloading operations conducted by consignee personnel after the rail tank car has been delivered to the consignee facility generally are not regulated under the HMR (see 49 CFR 171.1(d)(2)).

The HMR requirements applicable to rail tank car transloading operations are in 49 CFR 174.67. The operator of a facility at which transloading operations are performed must maintain written safety procedures governing transloading operations and must make the safety procedures immediately available to the employee responsible for rail tank car unloading. In addition, persons conducting transloading operations must take measures to prevent movement of the rail tank car and secure access to the track where the transloading operation takes place. During the transloading operation, the rail tank car must be attended or monitored at all times.

B. Applicable OSHA Regulations or Standards

OSHA's Process Safety Management (PSM) standard (see 29 CFR 1910.119) contains requirements for processes that use, store, manufacture, handle, or transport highly hazardous chemicals

[2] The Federal Railroad Administration has identified three other incidents involving heating of rail tank cars that did not result in death or injury.

[3] See *http://www.ntsb.gov/doclib/recletters/2004/R04_10.pdf.*

on-site.[4] Bulk[5] loading and unloading operations involving PSM-covered chemicals or other processes with PSM-covered chemicals are subject to the requirements of the PSM standard.[6] The PSM standard requires employers to compile process safety information (PSI) to enable employers and employees to identify and understand the hazards of the process. The PSI must include: (1) Physical and reactivity data of the highly hazardous chemicals in the process; (2) safe upper and lower limits of the process such as temperatures, pressures, flows and compositions; and (3) an evaluation of the consequences of deviation. Using the PSI, employers must perform a process hazard analysis to systematically identify, evaluate, and control the hazards of the process. After an employer completes a process hazard analysis, the employer must develop and implement written operating procedures providing clear, written instructions for safe operations of a process, such as loading and unloading operations to or from bulk containers (see 29 CFR 1910.119(f)). After the procedures are developed, each employee, including a contract employee, who is involved in loading and unloading operations must be trained in the required processes and the procedures, in accordance with 29 CFR 1910.119(g).

The OSHA standards also include requirements for the handling and storage of specific hazardous materials, including hazardous waste. Specifically, 29 CFR 1910.106(f) contains provisions for loading and unloading facilities. Additionally, the OSHA standard at 29 CFR 1910.120, pertaining to hazardous waste operations and emergency response, establishes requirements for emergency response operations. When there is a release of hazardous materials, or a substantial threat of a release, then emergency response operations must comply with 29 CFR 1910.120(q).

In situations where an operation or a material is not covered by the PSM standard or the other OSHA standards, employers are obligated under Section 5(a)(1)—''the General Duty Clause''—of the OSH Act of 1970 to protect employees from serious ''recognized'' hazards.

Under OSHA's Hazardous Waste Operations and Emergency Response (HAZWOPER) standards in 29 CFR 1910.120, an employer must train workers exposed to hazardous substances, health hazards, or safety hazards before performing hazardous waste operations and emergency response. Specifically, 29 CFR 1910.120(e)(3) and (e)(4) detail the level of training required of workers, who perform cleanup operations or on-site management and supervisors of workers, and 29 CFR 1910.120(q)(6) details the level of training required of workers who perform emergency response.

Section 29 CFR 1910.120(e)(3)(i) specifies the training requirements for general site workers engaged in activities which expose or potentially expose those workers to hazardous substances and health hazards. These workers are required to receive a minimum of 40 hours of instruction off the site, and a minimum of three days actual field experience under the direct supervision of a trained, experienced supervisor.

Section 29 CFR 1910.120(e)(3)(ii) specifies the training requirements for workers on site only occasionally for a specific limited task, who are unlikely to be exposed to hazardous substances and health hazards over defined permissible limits. These workers are required to receive a minimum of 24 hours of instruction off the site, and a minimum of one day actual field experience under the direct supervision of a trained, experienced supervisor.

Section 29 CFR 1910.120(e)(3)(iii) specifies training requirements for workers who are regularly onsite in areas that have been monitored and fully characterized indicating that exposures are under permissible exposure limits and published exposure limits where respirators are not necessary, and the characterization indicates that there are no health hazards or the possibility of an emergency developing. These workers are required to receive a minimum of 24 hours of instruction off the site, and a minimum of one day actual field experience under the direct supervision of a trained, experienced supervisor. In accordance with 29 CFR 1910.120(e)(3), on-site management and supervisors directly responsible for, or who supervise employees engaged in the activities described above must receive 40 hours initial training, and three days of supervised field experience and at least eight additional hours of specialized training at the time of job assignment.

For all the levels of workers and their on-site management and supervisors, the OSHA training requirements described in 29 CFR 1910.120(e) and (q) would need to include training in all aspects of the heating process if that employee is responsible for performing any such functions, including refresher training every three years.

C. Applicable EPA Regulations

EPA regulations establish a general duty for facility owners or operators of facilities that produce, handle, process, distribute, or store certain chemicals to identify hazards associated with the accidental releases of extremely hazardous substances, design and maintain a safe facility as needed to prevent such releases, and minimize the consequences of releases. In addition, stationary sources with more than a threshold quantity of a regulated substance in a process are subject to EPA's accident prevention regulations, including the requirement to develop a Risk Management Plan (RMP) and submit the RMP to EPA (see 40 CFR Part 68). EPA's RMP requirements contain accident prevention measures that are virtually identical to those within the OSHA PSM standard.

In addition to the accident prevention requirements common to PSM, under 40 CFR Part 68, regulated facilities must perform a hazard assessment consisting of worst case and alternative release scenarios and a five-year accident history, implement an emergency response program, implement a management system, and develop and submit an RMP to EPA. Further, 40 CFR Part 112 establishes performance-based training requirements that would apply to any facility and covered operation, including facility transfers that handle certain chemicals in the specific quantities listed in 40 CFR 68.130.

IV. Guidance for Heating of Rail Tank Cars for Unloading or Transloading

Several Federal agencies share responsibility for the safety regulations of rail tank car unloading or transloading operations involving hazardous material—DOT (PHMSA and FRA), OSHA, and EPA. PHMSA, in coordination with OSHA and EPA, and in consultation with FRA, is issuing this safety advisory guidance to offer guidance on heating of a rail tank car to prepare solidified or viscous hazardous material products contained in the rail tank car for unloading or transloading. Based on existing regulatory requirements, we have assembled and coordinated the following guidance to

[4] 29 CFR 1910.119(b), defines a *highly hazardous chemical* as a substance possessing toxic, reactive, flammable, or explosive properties and specified by paragraph (a)(1) of § 1910.119.

[5] The use of this term with respect to the PSM standard is not the same as defined in the PHMSA HMR.

[6] Both of these processes may be covered by OSHA's PSM depending on the flash point of the waste material and the other chemicals present in the process. For operations with hazardous materials, OSHA recommends implementation of management systems such as those required by the PSM standard, regardless of coverage.

raise awareness of those requirements and the risks associated with heating rail tank cars. This guidance does not include all of the aspects applicable to the safe heating of rail tanks cars; rather, it focuses on the issues raised in the NTSB recommendations as a result of its investigations into the two incidents cited above.

Procedures. The shipper or facility operator, if not the same, should develop written safe operating procedures to be used when hazardous materials are heated in a rail tank car for unloading or transloading. The procedures should, at a minimum, establish hazard controls necessary to protect workers, the public, and the environment from adverse consequences, and include:

- Detailed information regarding the chemical characteristics of the material such as, melting temperature, flash point, the degree to which the hazardous material expands as a result of heating, and additional risk if the hazardous material reacts with air or water.;
- The pressure created by heating the rail tank car at which the material may safely be unloaded or transloaded from the rail tank car;
- Active monitoring and recordkeeping requirements of the internal tank pressure and material temperature during the heating process. The heating process should be monitored with time intervals (such as hourly) that are dependent upon the nature and history of materials being heated;
- Potential consequences of deviations from standard operating procedures and how to identify, control and respond to those consequences; and
- Training of all entities involved in the unloading or transloading process.

These procedures should be maintained in a location where they are immediately available to employees responsible for the heating, unloading or transloading operation. These procedures should clearly define employees' roles and responsibilities for the heating of a rail tank car, as well as the roles and responsibilities of contractor personnel that are employed at a facility to conduct the operations for heating of a rail tank car.

Monitoring. The facility operator should be knowledgeable of the chemical properties of all of the materials involved in the heating process, including the reactivity of those materials, and ensure that the heating process (*i.e.,* pressure, temperature, and heating rate) applied to the rail tank car, and the pressure and temperature inside the rail tank car should be monitored to ensure that it does not result in over-pressurization of the rail tank car.

Monitoring should be conducted at the necessary frequency as heating continues until the material reaches its recommended parameters (*e.g.,* viscosity and temperature) for safe unloading or transloading. Certain chemicals, such as a material that can undergo rapid exothermic decomposition, may require more frequent or even continuous monitoring during heating. Monitoring of the tank pressure and the temperature of the hazardous material includes measures to ensure that the heating rate does not result in over pressurization of the rail tank car.

As an additional aspect of monitoring, the facility operator may, when practical and safe, and the physical state of the material allows, sample the material that is in the rail tank car to verify the material and its chemical and physical properties. The rail tank car contents should be monitored at multiple times as heating continues until the material is determined to be at its recommended parameters (*e.g.,* viscosity and temperature) for safe unloading or transloading.

Designated Employee. The facility operator should designate an employee responsible for monitoring the heating process. Prior to the onset of operation, the designated employee should be made thoroughly knowledgeable of the nature and properties of the material contained in the rail tank car and procedures to be followed in the event of an emergency. In the event of an emergency, the designated employee should have the ability and authority to take responsive action.

Training. Hazardous materials employees involved in heating rail tank cars for unloading or transloading operations should be trained in all aspects of the heating process that each employee is responsible for performing. Further, the level of training for each employee should correlate with that employee's level of exposure to hazardous materials at the facility where rail tank cars are heated for unloading or transloading. Please refer to the Section III for a discussion of specific training obligations under applicable Federal regulations.

Issued in Washington, DC, on July 8, 2013, under authority delegated in 49 CFR Part 106.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 2013–16672 Filed 7–11–13; 8:45 am]

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Proposed Rules

Federal Register
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Friday, July 12, 2013

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210 and 225

RIN 0584–AD84

Simplified Cost Accounting and Other Actions To Reduce Paperwork in the Summer Food Service Program and National School Lunch Notice Procedures

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes to amend the Summer Food Service Program (SFSP) regulations to incorporate changes mandated by Section 738 of the Consolidated Appropriations Act, 2008. The changes extend simplified cost accounting and reporting procedures to SFSP sponsors in all States, and eliminate the cost comparison requirements for determining payments to sponsors. This rulemaking would amend SFSP regulations to address these statutory changes. In addition, this rulemaking proposes several discretionary changes to improve administrative efficiency and reduce paperwork in the management of the SFSP. The intended effect of this rulemaking is to simplify and streamline administration while ensuring the integrity of the Program. Finally, this rulemaking proposes a change to the National School Lunch Program regulations to create consistency among the Child Nutrition Programs with regard to notice procedures.

DATE: To be assured of consideration, written comments must be received or postmarked on or before October 10, 2013.

ADDRESSES: FNS invites interested persons to submit comments on this proposed rule. Comments must be submitted through one of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- Mail: Address comments to Julie Brewer, Chief, Policy and Program Development Branch, Child Nutrition Division, Room 1206, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302.

Comments submitted through either of these methods will be included in the record and available for public review. Comments submitted through any other methods will not be accepted and subsequently, not posted.

Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. FNS will make the comments publicly available through the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Julie Brewer at the above address or telephone (703) 305–2590.

SUPPLEMENTARY INFORMATION:

I. Background

The Summer Food Service Program (SFSP) is authorized under section 13 of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1761. Its primary purpose is to provide free, nutritious meals to children from low-income areas during periods when schools are closed for vacation. The Department is committed to reducing barriers to SFSP participation. One such barrier identified by Program operators is the administrative. To address this issue, the Department has explored ways to streamline the administrative paperwork burden of SFSP sponsors and State agencies so more time and resources are directed toward increasing access, providing quality meal service to benefit eligible children, and ensuring Program integrity. To that end, this rule proposes to codify the nondiscretionary simplified cost accounting and reporting procedures established in the Consolidated Appropriations Act, 2008 (Pub. L. 110–161), and make discretionary changes to the SFSP regulations to improve management of the Program and reduce paperwork requirements.

SFSP pilot projects were originally authorized by an amendment to Section 18 of the NSLA, 42 U.S.C. 1769, in the Consolidated Appropriations Act, 2001. The pilot projects, to be carried out from fiscal year 2001 through 2004 in 14 States (including Puerto Rico), were intended to increase the number of children participating in SFSP in States with low participation rates. The pilot projects allowed the Secretary to provide sponsors with a simplified reimbursement based on the number of meals served rather than requiring cost records to establish the reimbursement. Eligible pilot project participants included government sponsors, public and private nonprofit school food authority sponsors, public and private nonprofit National Youth Sports Program sponsors, and public and private nonprofit residential camp sponsors. All other private nonprofit organizations were prohibited from participating in the pilot projects.

In Section 116(f) of the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108–265), Congress made these pilot projects permanent as the ''Simplified Summer Food Program'' and added six more States. Subsequently, the Simplified Summer Program procedures were extended to all private nonprofit sponsors in eligible States. Finally, the Consolidated Appropriations Act, 2008, extended the simplified procedures to all sponsors in all States.

This proposed rule is consistent with the simplified cost accounting and reporting procedures established in Section 13 of the NSLA by law. In implementing the statutory changes, FNS issued the following policy guidance: *Implementation of the Summer Food Service Program Pilot Projects Authorized by the Consolidated Appropriations Act, 2001,* January 19, 2001; SFSP 01–05: Simplified Summer Food Program, December 2, 2004; *Transmittal of Guidance on the Simplified Summer Food Program,* June 29, 2005; SFSP 01–2008, *Nationwide Expansion of Summer Food Service Program Simplified Cost Accounting Procedures,* January 2, 2008; and SFSP 03–2008, *Simplified Procedures in the Summer Food Service Program,* February 14, 2008.

FNS also conducted conference calls with State agencies to support the implementation of the simplified cost accounting procedures. In December 2008, FNS held a conference for SFSP

State agencies and sponsoring organizations. FNS issued policy guidance, SFSP 03–2009, *Transmittal of Guidance—Questions and Answers,* September 24, 2009, to address questions about the simplified procedures that arose at the conference. On November 23, 2012, FNS updated this guidance by issuing SFSP 05–2012, *Summer Food Service Program Questions and Answers.*

The Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296) (HHFKA) included additional changes to the SFSP, which became effective October 1, 2012 and included removal of limits on the participation of private non-profit organizations and a requirement for permanent agreements between sponsors and the State agencies. FNS is addressing these both of these provisions in a final rule, *Child Nutrition Programs: Nondiscretionary Amendments Related to the Healthy, Hunger-Free Kids Act of 2010.* Amendments made by HHFKA also required FNS to establish a disqualification process for SFSP, which we are addressing in a separate proposed rule, *Child Nutrition Program Integrity.*

II. Simplified Cost Accounting and Reporting

The purpose of the simplified procedures is to encourage more organizations to provide meals to children through the SFSP. By reducing reporting requirements, ensuring the maximum level of per meal reimbursement, and providing greater flexibility in the use of Program funds for any allowable cost, more local organizations may choose to participate or expand current operations and thereby reach more children.

Before implementation of the simplified cost accounting procedures, the SFSP statutory and regulatory framework required State agencies to reimburse participating sponsors on a per-meal basis for meals meeting Program requirements and served to eligible children. Reimbursement was made for both operating costs (costs incurred for preparing, obtaining, delivering, and serving meals) and administrative costs (costs incurred for planning, organizing, and administering the Program). The reimbursement rates for each cost category were separate. Because operating and administrative costs were considered distinct categories, claims for costs incurred in each category could not be combined. Reimbursements were calculated separately as well. For operating costs, sponsors were paid the lesser of either the actual documented food service costs or the sum of the number of meals served to eligible children times the operating payment rate. For administrative costs, sponsors were paid the lesser of the actual documented administrative costs, the number of meals served to eligible children times the administrative payment rate, or the amount specified in the sponsor's approved budget.

Under the simplified cost accounting procedures, all sponsors now receive the maximum ''meals times rates'' combined operating and administrative reimbursement without regard to their actual or budgeted costs. Sponsors may use the combined reimbursement to pay for any allowable cost, whether operating or administrative, defined in SFSP regulations at 7 CFR 225.2. This proposed rule would codify the elimination of the cost comparison requirements at 7 CFR 225.9(d)(7) and 225.9(d)(8).

In keeping with the simplified cost accounting structure, this rule also proposes to streamline the process for calculating advances. Currently, advance payments made under 7 CFR 225.9(c) are divided between those made for administrative costs and for operating costs. Because reimbursements are no longer allocated separately, this rule proposes combining advances as well. Accordingly, as proposed, 7 CFR 225.9(c) would no longer differentiate between advances for administrative costs and those for operating costs. The proposed rule would allow sponsors to request from the State agency a single combined advance to be provided at the same intervals as under current Program regulations.

III. Program Management

With increased flexibility in Program administration, however, also comes an increased risk of Program mismanagement. Therefore, this proposed rule also addresses State agency and sponsor management and oversight responsibilities under the simplified cost accounting procedures. The following issues are addressed by this proposed rule: Budget submission, nonprofit food service requirements, use of excess funds, and State agency monitoring.

Budget Submission

Although SFSP sponsors are no longer required to report actual or budgeted costs, an annual budget submission continues to be an important aspect of participating in the SFSP. Current regulations require all SFSP sponsors, unless exempted, to submit budgets annually with their applications for participation as specified in 7 CFR 225.6(c)(2)(ii)(B) and (c)(3)(ii)(B) and to receive start-up or advance payments as specified in 7 CFR 225.9(a) and (c)(2)(i). The budget must contain enough information to enable the State agency to assess the sponsor's ability to operate the Program within its estimated reimbursement.

This rule proposes to amend 7 CFR 225.6(b)(7) to allow State agencies to exempt from the annual budget submission requirement school food authority (SFA) sponsors that participated successfully in the SFSP in the previous year and have had no documented serious problems managing the SFSP or National School Lunch Program (NSLP). However, school sponsors that do not meet these criteria, including those with a break in participation of one or more years, must submit an annual budget. School sponsors that are exempted from submitting a budget should recognize that they will not have the advantage of State agency budget review to determine the allowability of planned expenditures. Unallowable costs that would be identified during the budget submission and amendment process may go undetected by the State agency until a review and/or audit is conducted. For this reason, State agencies that elect to waive the budget requirement for experienced SFA sponsors should emphasize the importance of using funds only for allowable costs, and State agencies should remind these sponsors of their liability with regard to any costs that are subsequently determined to be unallowable.

Nonprofit Food Service

Sponsors that operate multiple Child Nutrition Programs on a year-round basis are not required to maintain a separate nonprofit food service account for the SFSP. SFSP reimbursements and expenditures may be included in a single account with funds from any other Child Nutrition Programs authorized under NSLA, 42 U.S.C. 1751 et seq., or the Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., except the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), 42 USC 1786. However, this rule proposes to amend 7 CFR 225.15 to require sponsors to maintain documentation confirming the operation of a nonprofit food service. Sponsors currently receive a flat reimbursement rate per reimbursable meal served, in accordance with statutory changes. Sponsors are still required, however, to use the reimbursement received only for allowable costs. By requiring

documentation of a nonprofit food service, State agencies will have the ability to ensure that SFSP funds are being properly expended.

The sponsor's documentation of nonprofit food service should enable the State agency to determine whether or not all costs charged to the food service were allowable and all funds accruing to the food service were properly identified and recorded as food service revenue. This rule also proposes to clarify 7 CFR 225.12(a) and 225.15(c), which state that only allowable costs may be paid using SFSP reimbursements. Further, sponsors must maintain records of all costs associated with the meal service and document that all costs are allowable. If it is determined that the sponsor has used SFSP funds for unallowable costs, the State agency is required under 7 CFR 225.12 to disallow any portion of a claim for reimbursement and recover from the sponsor any amount of funds not properly paid.

Excess Funds

Program reimbursements are now made on a ''meals times rates'' basis and the funds provided are intended to be expended on the SFSP meal service or other Child Nutrition Programs administered by the sponsor. Operation of a nonprofit food service requires sponsors to monitor all program costs and revenues. In addition, sponsors must use reimbursement to improve the meal service or other aspects of the food program if costs are less than the anticipated reimbursement. This rule proposes to amend 7 CFR 225.9 to require sponsors to use reimbursements that exceed their costs to improve the meal service or management of the Program or to pay allowable costs of other Child Nutrition Programs operated by the sponsor. If a sponsor does not intend to continue participation in the Program and does not operate other Child Nutrition Programs, excess Program funds would have to be collected by the State agency and returned to FNS in accordance with 7 CFR 225.12.

State Agency Monitoring

With the implementation of the simplified Program requirements, it is critical that State agencies and sponsors practice sound Program management to ensure integrity. This will require careful selection of applicants and dedicated training efforts, especially those directed at new sponsors. Additionally, State agencies must initiate diligent review of the budgets, monitoring of Program operations, and prompt follow up where problems are found.

With this in mind, and in keeping with the nonprofit food service requirements discussed above, this rule proposes to amend 7 CFR 225.7(d) to establish the responsibilities of State agencies when reviewing a sponsor's operation under simplified procedures and to require State agencies to closely monitor the sponsor's use of funds when questions arise about whether the sponsor is maintaining a nonprofit food service. Under the proposed rule, during sponsor reviews, the State agency would be required to:

1. Ensure that all expenditures charged to the food service were allowable and consistent with FNS instructions and guidance and all funds accruing to the food service were properly identified and recorded as food service revenue. Additionally, the State agency should consider whether or not expenditures are reasonable when compared to previous years, the expenditures of comparable sponsors, and/or budgeted costs. If it is determined that the sponsor used SFSP funds for unallowable expenses or that the expenditures were unreasonable, the State agency would assess a claim against the sponsor for the amount of funds spent inappropriately as required under 7 CFR 225.12.

2. Ensure that the net cash resources of the sponsor's nonprofit food service do not exceed three months' average expenditures. Similarly, the State agency would be required to assess the sponsor's budgeted and actual expenditures to determine if excess funds are likely to result. This requirement is consistent with the limit on net cash resources in the NSLP. State agency approval is required for net cash resources in excess of three months' average expenditures.

3. Consider whether the sponsor is providing a nutritious, high quality food service that uses Program resources effectively. If the State agency review finds poor food quality, a high ratio of administrative to operational costs (as defined by 7 CFR 225.2) as compared to other similar sponsors, significant use of alternative funding for food costs, or a significant supply of privately donated food or very low cost food, the State agency may require the sponsor to improve food quality or take other action to improve the nonprofit food service. If the sponsor is operating a program with poor quality meal service and is operating below the reimbursement level, the proposed amendment to 7 CFR 225.11 would direct the State agency to require the sponsor to implement appropriate corrective action that improves the quality of the meal service.

In the scope of conducting reviews, State agencies would also be required to consider whether other areas identified by sponsor reviewers are being managed appropriately. In addition, this rule proposes to amend 7 CFR 225.7(f) to require that State agency systems and standards include monitoring and reviewing the institutions' nonprofit food service to ensure that all Program reimbursements are used solely for the conduct of the food service operation and the net cash resources of the nonprofit food service do not exceed three months' average expenditures.

IV. Additional Provisions

Small Purchase Procedures

Small purchase procedures are simple and informal procurement methods used to procure services, supplies, or other property that fall below the established threshold. SFSP regulations at 7 CFR 225.17(a) require that State agencies and sponsors comply with the procurement requirements of 7 CFR parts 3016 or 3019, as applicable.

Currently, the SFSP regulations contain procurement provisions that lack consistency in threshold applicability, specifically in terms of contract award amounts that trigger requirements to more strict standards. To eliminate contradictory requirements, we are proposing to eliminate the reference to a $10,000 threshold in 7 CFR 225.15(m)(4). This provision provides an exception to competitive bidding procedures for sponsors whose total contracts with food service management companies will not exceed $10,000. Because this exception refers to aggregate contracts not exceeding $10,000, it has limited applicability. Further, this threshold conflicts with the threshold identified in 41 U.S.C. 403(11) and may cause confusion regarding the applicability of the procedures required under 7 CFR parts 3016 and 3019.

Therefore, the Department is proposing to amend 7 CFR 225.15(m)(4) by removing reference to a specific amount, and allowing State and local agencies to use the simplified acquisition procedures for small purchases up to the threshold set by 41 U.S.C. 403(11). This increase in the threshold will allow for more small purchase procurements to be conducted using informal methods for securing services, supplies, or other property [7 CFR 3016.36(d)] provided that each procurement, regardless of amount, is conducted in a manner that ensures free and open competition. It will also

ensure that the small purchase threshold in SFSP remains consistent with the threshold applied to the other Child Nutrition Programs.

FNS issued guidance, SFSP 01–2013, *Federal Small Purchase Threshold Adjustment,* on October 2, 2012, to confirm that State and local SFSP agencies may use the simplified acquisition procedures for small purchases up to the threshold set by 41 U.S.C. 403(11). The current threshold set by 41 U.S.C. 403(11) is $150,000.

Standard Contracts

Currently, 7 CFR 225.6(h)(2) allows sponsors with food service management company contracts that do not exceed $10,000 in aggregate to use their existing contracts rather than the standard form of contract developed by the State agency. Consistent with the small purchase procedures, we propose to remove the existing limit and instead link the standard contract threshold to 41 U.S.C. 403(11). Because the threshold in 41 U.S.C. 403(11) is adjusted regularly, this change will ensure that the standard contract threshold in SFSP is adjusted regularly in line with the thresholds applied to the other Child Nutrition Programs.

We also propose to apply the threshold to individual rather than aggregate contracts. This would allow sponsors with individual contracts that do not exceed the small purchase threshold in 41 U.S.C 403(11), to use their existing or usual form of contract provided it has been submitted to and approved by the State agency. Any individual contracts that exceed the small purchase threshold in 41 U.S.C. 403(11), would require use of the State agency's standard contract. The original threshold was based on aggregate contracts and was set so low that it had little applicability. These proposed changes will bring the threshold in line with other regulatory requirements regarding approval of State bids and will simplify the contracting process for a greater number of small sponsors.

FNS has implemented these changes in policy guidance, *SFSP Summer Food Service Program Standard Contract Threshold,* on January 24, 2013. This guidance allows sponsors with individual contracts that do not exceed the small purchase threshold, which is currently set at $150,000, to use their existing or usual form of contract, provided it has been submitted to and approved by the State agency.

Food Service Management Companies and Procurement Standards

We propose to amend the SFSP regulations at 7 CFR 225.6(h)(7) to include two provisions to ensure that SFSP is consistent with the NSLP with regard to requirements pertaining to food service management company contracts. The first provision would allow sponsors to enter into annual contracts that may be renewed for up to four additional years. This would simplify the procurement process for sponsors by allowing for annual renewal of existing contracts rather than requiring sponsors to enter into new contracts each year.

Additionally, the Department-wide regulations at 7 CFR 3016.36(i)(2) require subgrantees to include in each contract in excess of $10,000 a clause for both termination for cause and for convenience. Therefore, we propose that all contracts in excess of $10,000 contain clauses for termination for both cause and convenience. Specifically, food service management company contracts in excess of $10,000 must include a termination clause whereby either party may cancel for cause with a 60-day notification. We also propose to amend the SFSP regulations regarding procurement standards at 7 CFR 225.17 to include this provision.

Administrative Oversight at Approved Meal Service Sites

FNS proposes to amend the SFSP regulations at 7 CFR 225.14(d)(3) to clarify sponsors' responsibilities with respect to the meal services at the approved meal service sites and to emphasize that sponsors must have administrative oversight of meal services. Currently, the SFSP regulations require sponsors to have direct operational control of meal service sites, meaning they are responsible for managing site staff, including such areas as hiring and determining conditions of employment and termination. Based on FNS' experience in administering the SFSP and consultation with local, State, and Federal administrators, the Department has determined that sponsors find it difficult to meet the current understanding of ''direct operational control.'' Many sponsors deliver meals to recreational sites that are not directly affiliated with or managed by the sponsors and do not have the authority to hire or terminate employees at those sites. Instead, these sponsors have control over only the meal service provided at the site and related activities such as training of staff on meal counting and record keeping procedures.

To eliminate confusion over the responsibilities of SFSP sponsors, FNS proposes to clarify that sponsors must have administrative oversight of the meal service at approved sites by replacing the words ''direct operational control'' with ''administrative oversight.'' FNS also proposes to clarify that ''administrative oversight'' means the sponsor is responsible for maintaining contact with meal service staff, ensuring that there is adequate trained meal service staff on site, monitoring meal service operations at the site throughout the period of Program participation, and terminating meal service at a site if staff at the site fail to comply with Program regulations.

Options To Submit a Combined Claim

SFSP sponsors represent a wide range of administrative and programming models, including schools that operate a year-round food service, churches that operate a food service only a few weeks in the summer months, civic organizations that operate many open sites, and camps that operate closed, enrolled sites. In view of these differences and to support their efforts in providing quality programs, this rule proposes to allow State agencies and SFSP sponsors more latitude to choose between submitting a monthly claim or a combined claim for reimbursement.

First, this rule proposes to make optional the current requirement in 7 CFR 225.9(d)(3) that sponsors operating for less than 10 days in the final month of operations submit a combined claim for the final and immediate preceding month. Submitting separate monthly claims enables some SFSP sponsors, especially those with a tight budget or that operate for very short periods of time during the summer, to receive their reimbursement in a more timely manner. The argument for the provision of separate claims is strengthened by technological advances that have made it possible for many State agencies to accept claims for the SFSP online through web-based reporting systems, enabling State agencies to process claims on a more frequent basis. This proposed rule allows State agencies to maximize system efficiencies permitted by these advances.

Second, sponsors that would like to submit combined claims are accommodated under this proposed regulation as well. In an effort to streamline Program operations and reduce paperwork for State agencies, and to provide sponsors with additional flexibility, FNS issued policy guidance on May 15, 2000, *Summer Food Service Program—Authority for Sponsors to Combine Claims for Reimbursement,* allowing sponsors more alternatives to combine claims for reimbursement. Consistent with this earlier guidance, FNS proposes to amend SFSP

regulations to permit sponsors to consolidate claims for reimbursement and submit a single claim for reimbursement in the following ways:

- Claims for 10 operating days or less in the initial month of operations may be combined with the claim for the subsequent month;
- Claims for 10 operating days or less in the final month of operations may be combined with the claim for the preceding month; and
- Claims for 3 consecutive months may be combined, as long as this combined claim only includes 10 operating days or less from each of the first and last months of Program operations.

This proposed regulation makes clear, however, that a sponsor may not claim meal reimbursements on one claim that crosses Federal fiscal years. In addition, State agencies must ensure that the correct reimbursement rates are applied for meals claimed for months when different reimbursement rates are in effect. For example, there are SFSP sponsors that operate from October through April to provide meal services during school vacations in year-round schools. Because the SFSP reimbursement rates are published annually and are effective from January 1 until December 31, State agencies must ensure that reimbursement rates for December and January are applied correctly when processing claims.

Definition of Delivery of Notice

Finally, this rule proposes to specify in NSLP regulations at 7 CFR 210.18(j) and in SFSP regulations at 7 CFR 225.13(b)(1) what constitutes proper delivery and receipt of a notice describing an action proposed or taken by a State agency or FNS that affects the Program reimbursement and participation of a school food authority, food service management company, or sponsor. Currently, only the CACFP regulations define notice and delivery by a State agency or FNS to an institution.

The CACFP regulation at 7 CFR 226.2 states that a notice is considered received by an institution when it is delivered or sent by facsimile or email. If a notice is undeliverable, it is considered received by the institution five days after being sent to the last known mailing address, facsimile number, or email address. FNS proposes to extend this definition to NSLP and SFSP, making it consistent across the Child Nutrition Programs. FNS is proposing this change because some State agencies are experiencing difficulties in notifying institutions of review findings, required corrective actions, and terminations. By choosing to avoid accepting the State agency's certified mail, non-complying institutions have continued to operate, claim reimbursement, and mismanage the Programs.

V. Procedural Matters

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if 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 proposed rule has been determined to be not significant and was reviewed by the Office of Management and Budget in conformance with Executive Order 12866.

Regulatory Impact Analysis

Need for Action

In recent years, FNS has undertaken a number of paperwork reduction initiatives to attract additional sponsors in order to expand the Program to reach more children. This proposed rule will further reduce paperwork, ensure high quality administrative standards in the management of the SFSP, and clarify existing requirements. Since its creation through the Consolidated Appropriations Act of 2001, the simplified cost accounting procedures have been implemented through pilot projects and FNS guidelines. The Child Nutrition and WIC Reauthorization Act of 2004 made the simplified cost accounting procedures permanent and applicable to additional States. Various appropriations incrementally added States, which, by January 2006, totaled 27. The Consolidated Appropriations Act, 2008 extended the procedures to all States. This rulemaking brings the regulations into conformity with the legislative change.

Programming changes often occur with expansion and lessons learned through implementation. Likewise, FNS proposes revisions of the SFSP to reduce paperwork and increase efficiency. More schools will be encouraged to participate in the SFSP if they are able to receive their SFSP reimbursements as soon as their programs end. Also, FNS regulations must reflect how sponsors operate and clarify that sponsors must have administrative oversight of the approved meal service sites.

Benefits

This proposed rule will make permanent the benefits both the SFSP sponsors and the administering State agencies have accrued under the January 2, 2008, policy implementing Program simplification and will result in additional benefits by further reducing paperwork and simplifying administrative requirements. The administrative burden on State agencies will be reduced by the elimination of annual budget reviews of school sponsors, and more importantly, simplification of the advance payment and reimbursement process for all sponsors.

Costs

This proposed rule, when published as a final rule, will codify guidelines governing existing simplified cost accounting procedures in the Program. Because most of the provisions are already in place, FNS anticipates no significant change in Program costs.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Pursuant to that review, it has been certified that this rule will not have a significant economic impact on a substantial number of small entities. SFSP sponsors may choose whether or not to expand their existing program to reach more children. The additional meal service will not have a significant paperwork or reporting burden because of the simplified cost accounting procedures. Besides reducing paperwork burden, this rule will streamline requirements and allow flexibility to improve the management of the SFSP.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under Section 202 of the UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures by State, local, or Tribal governments, in the aggregate, or the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the

Department to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) that impose costs on State, local, or Tribal governments or to the private sector of $100 million or more in any one year. This rule is, therefore, not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

SFSP is listed in the Catalog of Federal Domestic Assistance under No. 10.559. For the reasons set forth in the final rule in 7 CFR part 3015, subpart V and related Notice published at 48 FR 29115, June 24, 1983, this Program is included in the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under section (6)(b)(2)(B) of Executive Order 13132. FNS has considered the impact of this rule on State and local governments and has determined that this rule does not have federalism implications. This rule does not impose substantial or direct compliance costs on State and local governments. Therefore, under Section 6(b) of the Executive Order, a federalism summary impact statement is not required.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule, when published final, is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the Dates paragraph of the final rule. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the SFSP, the administrative procedures are set forth at 7 CFR 225.13, which establishes appeal procedures, and at 7 CFR 225.17, 3016, and 3019 which address administrative appeal procedures for disputes involving procurement by State agencies and institutions.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

E.O. 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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. In late 2010 and early 2011, USDA engaged in a series of consultative sessions to obtain input by Tribal officials or their designees concerning the impact of this rule on the tribe or Indian Tribal governments, or whether this rule may preempt Tribal law. Reports from these consultations will be made part of the USDA annual reporting on Tribal Consultation and Collaboration. USDA will respond in a timely and meaningful manner to all Tribal government requests for consultation concerning this rule and will provide additional venues, such as webinars and teleconferences, to periodically host collaborative conversations with Tribal officials or their designees concerning ways to improve this rule in Indian country.

We are unaware of any current Tribal laws that could be in conflict with the proposed rule. We request that commenters address any concerns in this regard in their responses.

Civil Rights Impact Analysis

FNS has reviewed this proposed rule in accordance with the Department Regulation 4300–4, ''Civil Rights Impact Analysis,'' to identify and address any major civil rights impacts this rule might have on minorities and persons with disabilities.

A careful review of the rule's intent and provisions revealed that the rule is not intended to affect the participation of protected individuals in SFSP. All data available to FNS indicate that protected individuals have the same opportunity to participate in the SFSP as non-protected individuals. The regulations at 7 CFR 225.7(g)(1) require that SFSP institutions agree to operate the Program in compliance with applicable Federal civil rights laws, including title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, and the Department's regulations concerning nondiscrimination (7 CFR parts 15, 15a and 15b). At 7 CFR 225.6(c)(4)(i), each sponsor applying to participate in the SFSP must submit a statement of nondiscrimination in its policy for serving meals to children.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; see 5 CFR 1320), requires that the Office of Management and Budget (OMB) approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current, valid OMB control number. This is a revision of a currently approved collection. This revision consists of the proposed rule, *Simplified Cost Accounting and Other Actions to Reduce Paperwork in the Summer Food Service Program (SFSP) and National School Lunch Notice Procedures,* to existing collection: 7 CFR part 225, Summer Food Service Program (SFSP), OMB Control Number 0584–0280, expiration date March 31, 2016. The current collection burden inventory for SFSP is 175,391. These changes are contingent upon OMB approval under the Paperwork Reduction Act of 1995. When the information collection requirements have been approved, FNS will publish a separate action in the **Federal Register** announcing OMB's approval.

Comments on the information collection in this proposed rule must be received by September 10, 2013.

Send comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for FNS, Washington, DC 20503. Please also send a copy of your comments to Jon Garcia, Program Analysis and Monitoring Branch, Child Nutrition Division, 3101 Park Center Drive, Alexandria, VA 22302. For further information, or for copies of the information collection requirements, please contact Jon Garcia at the address indicated above. Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the Agency's functions, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the proposed information collection burden, including the validity of the

methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this request for comments will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Title: Information Collection for the Summer Food Service Program (SFSP)

Form: FNS–418

OMB Number: 0584–0280

Expiration Date: March 31, 2016

Type of Request: Revision of a currently approved Collection

Abstract: SFSP is authorized under section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761). Its primary purpose is to provide free, nutritious meals to children from low-income areas during periods when schools are closed for vacation. To improve the efficiency of the Program, the Department is committed to reducing barriers to SFSP participation. One such barrier identified by Program operators is the paperwork burden involved in administering the Program. To address this issue, the Department has explored ways to streamline the administrative burden of SFSP sponsors and State agencies so more time and resources are directed toward increasing access, providing quality meal service to benefit eligible children, and ensuring Program integrity. To that end, apart from general program adjustments, this rule proposes to implement the simplified cost accounting and reporting procedures enacted by Congress in the Consolidated Appropriations Act, 2008 (Pub. L. 110–161) and make discretionary changes to the SFSP regulations to improve management of the Program and reduce paperwork requirements.

This proposed rule is consistent with the simplified cost accounting and reporting procedures established by law and implemented by FNS through policy memoranda. The Consolidated Appropriations Act of 2001 authorized SFSP pilot projects from fiscal year 2001 through 2004 in 14 States (including Puerto Rico) with the intent to increase the number of children participating in the Program in States with low participation rates. This provision applied to government sponsors, public and private nonprofit school food authority sponsors, public and private nonprofit National Youth Sports Program sponsors, and public and private nonprofit residential camp sponsors. The law specifically excluded all other private nonprofit organizations from the pilot projects. The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108–265) made these pilots permanent, named the program ''Simplified Summer Food Program,'' added six additional States, and extended the simplified procedures to all private nonprofit sponsors in eligible States. Through various appropriations laws, Congress incrementally provided pilot authority to additional States. By January 2006, the Simplified Summer Food Program was extended to a total of 27 States. The Consolidated Appropriations Act, 2008 extended the simplified procedures to all sponsors in all States. As many provisions in the proposed rule aimed at reducing paperwork in SFSP along with program updates and reduction of administrative burden, this revision realized a reduction in the number of burden hours since last renewal. This revision also consists of corrections to the recordkeeping burden hours. The average burden per response and the annual burden hours for reporting and recordkeeping are explained below and summarized in the charts which follow.

Affected Public: State agencies, camps and other sites, and households

Estimated Number of Respondents: 111,785

Estimated Number of Responses per Respondent: 6.042

Estimated Total Annual Responses: 675,390.

Estimate Time Per Response: 0.219.

Estimated Total Annual Burden: 148,207.

Current OMB Inventory: 175,391.

Difference (Burden Revisions Requested): −27,184.

Refer to the table below for estimated total annual burden for each type of respondent.

Affected public	Estimated number of respondents	Number of responses per respondent	Total annual responses	Estimated total hours per response	Estimated total burden
REPORTING					
State Agencies	53	381	20,193	0.722	14,588
Sponsors	4,754	2.80	13,357	1.693	22,608
Camps and Other Sites	791	1	791	.25	198
Households	100,589	2	201,178	.375	75,442
Total Estimated Reporting Burden	106,187		235,519		112,836
RECORDKEEPING					
State Agencies	53	122	6,466	.081	525
Sponsors	4,754	91	432,614	.080	34,609
Camps and Other Sites	791	1	791	.300	237
Total Estimated Recordkeeping Burden	5,598		439,871		35,372
TOTAL OF REPORTING AND RECORDKEEPING					
Reporting	106,187	2.217965	235,519	.479095	112,836
Recordkeeping	5,598	78.57646	439,871	.0804137	35,372
Total	111,785	6.042	675,390	.219	148,207

E-Government Act Compliance

FNS is committed to complying with the E-Government Act, 2002, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects

7 CFR Part 210

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Penalties, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

7 CFR Part 225

Food assistance programs, Grant programs—health, Infants and children, Labeling, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 210 and 225 are proposed to be amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

■ 1. The authority citation for 7 CFR part 210 continues to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

■ 2. In § 210.18, remove the last two sentences of paragraph (j), and add, in their place, four new sentences to read as follows:

§ 210.18 Administrative reviews.

* * * * *

(j) * * * This notice shall also include a statement indicating that the school food authority may appeal the denial of all or a part of a Claim for Reimbursement or withholding payment and the entity (i.e., FNS or State agency) to which the appeal should be directed. The notice is considered to be received by the school food authority when it is delivered by certified mail, return receipt (or the equivalent private delivery service), by facsimile, or by email. If the notice is undeliverable, it is considered to be received by the school food authority, five days after being sent to the addressee's last known mailing address, facsimile number, or email address. The State agency shall notify the school food authority, in writing, of the appeal procedures as specified in § 210.18(q) for appeals of State agency findings, and for appeals of FNS findings, provide a copy of § 210.29(d)(3).

* * * * *

PART 225—SUMMER FOOD SERVICE PROGRAM

■ 3. The authority citation for 7 CFR part 225 continues to read as follows:

Authority: Secs. 9, 13 and 14, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1761 and 1762a).

■ 4. In § 225.6:
■ a. Amend paragraph (b)(7) by adding three new sentences at the end of the paragraph;
■ b. Add new paragraphs (b)(7)(i), (ii), and (iii);
■ c. Amend paragraph (h)(1) by removing the citation ''§§ 225.15(h)'' and adding the citation ''§§ 225.15(m)'' in its place;
■ d. Amend paragraph (h)(2) by revising the second sentence;
■ e. Redesignate paragraph (h)(7) as paragraph (h)(8);
■ f. Add new paragraph (h)(7); and
■ g. Amend newly designated paragraph (h)(8) by removing the citation ''§ 225.15(h)(1)'' and adding the citation''§ 225.15(m)'' in its place.

The revision and additions read as follows:

§ 225.6 State agency responsibilities.

* * * * *

(b) * * *

(7) * * * State agencies may exempt school food authority sponsors that participated successfully in the Program in the prior year from the annual budget submission requirement. State agencies that elect to waive the budget requirement for experienced school sponsors must remind sponsors of the importance of using funds only for allowable costs. Those school sponsors that are not exempt and must submit an annual budget include:

(i) First year school sponsors;

(ii) Returning school sponsors that experienced a break in participation of one or more years; and

(iii) School sponsors with documented serious problems in managing a child nutrition program.

* * * * *

(h) * * *

(2) * * * Sponsors that are public entities, sponsors with exclusive year-round contracts with a food service management company, and sponsors that have no food service management company contracts exceeding the small purchase threshold in 41 U.S.C. 403(11), as applicable, may use their existing or usual form of contract, provided that such form of contract has been submitted to and approved by the State agency. * * *

* * * * *

(7) The contract between a sponsor and food service management company shall be no longer than 1 year; and options for the yearly renewal of a contract may not exceed 4 additional years. All contracts shall include a termination clause whereby either party may cancel for cause with 60-day notification.

* * * * *

■ 5. In § 225.7:
■ a. Add paragraph (d)(2)(iii);
■ b. Amend paragraph (f) by adding three new sentences at the end; and
■ c. Add new paragraphs (f)(1) through (4).

The additions read as follows:

§ 225.7 Program monitoring and assistance.

* * * * *

(d) * * *

(2) * * *

(iii) *Review of sponsor's operation.* State agencies shall determine if:

(A) The sponsor is providing a nutritious, high quality food service that uses program resources effectively;

(B) Expenditures are allowable and consistent with FNS Instructions and guidance and all funds accruing to the food service are properly identified and recorded as food service revenue;

(C) Expenditures are consistent with the expenditures of comparable sponsors, budgeted costs, and the previous year's expenditures taking into consideration any changes in circumstances;

(D) Reimbursements have not resulted in accumulation of excess funds as defined in § 225.7(f);

(E) The level of administrative spending is reasonable and does not affect the sponsor's ability to operate a nonprofit food service and provide a quality food service; and

(F) Other issues identified by reviewers are being managed appropriately.

* * * * *

(f) * * * Additionally, each State agency shall establish a system for monitoring and reviewing institutions' nonprofit food service to ensure that all Program reimbursement funds are used solely for the conduct of the food service operation and the net cash resources of the nonprofit food service of each sponsor participating in the Program do not exceed three months' average expenditures. State agency approval shall be required for net cash resources in excess of three months' average expenditures. Based on this monitoring, the State agency may require the sponsor to improve food quality or take other action designed to improve the nonprofit food service under the following conditions:

(1) The sponsor's net cash resources exceed three months' average expenditures for the sponsor's nonprofit food service or such other amount as may be approved in accordance with this paragraph;

(2) The ratio of administrative to operational costs (as defined in § 225.2) is high as compared to similar sponsors;

(3) There is significant use of alternative funding for food and/or other costs; or

(4) A significant portion of the food served is privately donated or purchased at a very low price.

* * * * *

■ 6. In § 225.9:

■ a. Revise the last sentence of paragraph (a);

■ b. Revise introductory paragraph (c);

■ c. Revise paragraph (c)(1);

■ d. Remove paragraph (c)(2), redesignate paragraph (c)(3) as paragraph (c)(2), and revise the new paragraph (c)(2);

■ e. Remove paragraph (c)(4);

■ f. Redesignate paragraphs (c)(5), (c)(6), and (c)(7) as paragraphs (c)(3), (c)(4), and (c)(5), respectively;

■ g. Amend paragraph (d)(2) by removing the words ''projected administrative costs'' wherever it appears and adding the words ''projected expenses'' in its place and by removing the words ''advance administrative costs payment'' and adding the words ''advance payment'' in its place;

■ h. Revise paragraph (d)(3);

■ i. Revise paragraph (d)(7);

■ j. Remove paragraph (d)(8) ;

■ m. Redesignate paragraphs (d)(9), (d)(10), and (d)(11) as (d)(8), (d)(9), and (d)(10), respectively;

■ n. Amend newly designated paragraph (d)(8) by removing the citations ''(d)(7)(ii) and (d)(8)(iii)'' and adding in their place ''(d)(7)''; and

■ o. Add a new paragraph (g).

The revisions and additions read as follows:

§ 225.9 Program assistance to sponsors.

(a) * * * The amount of the start-up payment shall be deducted from the first advance payment or, if the sponsor does not receive advance payments, from the first reimbursement.

* * * * *

(c) *Advance payments.* At the sponsor's request, State agencies shall make advance payments to sponsors that have executed Program agreements in order to assist these sponsors in meeting expenses. For sponsors operating under a continuous school calendar, all advance payments shall be forwarded on the first day of each month of operation. Advance payments shall be made by the dates specified in paragraph (c)(1) of this section for all other sponsors whose requests are received at least 30 days prior to those dates. Requests received less than 30 days prior to those dates shall be acted upon within 30 days of receipt. When making advance payments, State agencies shall observe the following criteria:

(1) *Payments.* (i) State agencies shall make advance payments by June 1, July 15, and August 15. To be eligible for the second and third advance payments, the sponsor must certify that it is operating the number of sites for which the budget was approved and that its projected costs do not differ significantly from the approved budget. Except for school food authorities, sponsors must conduct training sessions before receiving the second advance payment. Training sessions must cover Program duties and responsibilities for the sponsor's staff and for site personnel. A sponsor shall not receive advance payments for any month in which it will participate in the Program for less than 10 days. However, if a sponsor operates for less than 10 days in June but for at least 10 days in August, the second advance payment shall be made by August 15.

(ii) To determine the amount of the advance payment to any sponsor, the State agency shall employ whichever of the following methods will result in the larger payment:

(A) The total reimbursement paid to the sponsor for the same calendar month in the preceding year; or

(B) For vended sponsors, 50 percent of the amount determined by the State agency to be needed that month for meals, or, for self-preparation sponsors, 65 percent of the amount determined by the State agency to be needed that month for meals.

(2) *Advance payment estimates.* When determining the amount of advance payments payable to the sponsor, the State agency shall make the best possible estimate based on the sponsor's request and any other available data. Under no circumstances may the amount of the advance payment exceed the greater of the amount estimated by the State agency to be needed by the sponsor to meet Program costs or $40,000.

* * * * *

(d) * * *

(3) Sponsors shall submit a monthly claim or a combined claim within 60 days of the last day of operation. Sponsors may not submit a combined claim for meal reimbursements that crosses fiscal years. In addition, State agencies must ensure that the correct reimbursement rates are applied for meals claimed for months when different reimbursement rates are in effect. Sponsors may combine the claim for reimbursement in the following ways:

(i) For 10 operating days or less in their initial month of operations with the claim for the subsequent month;

(ii) For 10 operating days or less in their final month of operations with the claim for the preceding month; or

(iii) For 3 consecutive months, as long as this combined claim only includes 10 operating days or less from each of the first and last months of program operations.

* * * * *

(7) Payments to a sponsor must equal the amount derived by multiplying the number of meals, by type, actually served under the sponsor's program to eligible children by the applicable reimbursement rate for each meal type. Sponsors must be eligible to receive additional reimbursement for each meal served to participating children at rural or self-preparation sites.

* * * * *

(g) *Excess funds.* If reimbursements exceed a sponsor's allowable costs, the sponsor must use the excess funds to improve the meal service or management of the Program. Excess funds remaining at the end of the Program year may be used to pay allowable costs of other Child Nutrition Programs. If the sponsor does not operate other Child Nutrition Programs, the State agency must collect from the sponsor any reimbursements that exceeded the sponsor's allowable costs. The excess funds shall be collected in accordance with the procedures outlined in § 225.12(b).

■ 7. In § 225.11, revise paragraph (f)(1) to read as follows:

§ 225.11 Corrective action procedures.

* * * * *

(f) * * * (1)Whenever the State agency observes violations during the course of a site review, it shall require the sponsor to take corrective action. If the State agency finds a high level of meal service violations, the State agency shall require a specific, immediate corrective action plan to be followed by the sponsor. If the State agency finds that a sponsor is operating a program with poor quality food service and is operating below the reimbursement level, the State agency shall require corrective action to improve the meal service. The State agency shall either conduct a follow-up visit or in some

other manner verify that the specified corrective action has been taken.

* * * * *

■ 8. In § 225.12, revise the second sentence of paragraph (a) to read as follows:

§ 225.12 Claims against sponsors.

(a) * * * State agencies shall consider claims for reimbursement not properly payable if a sponsor's records do not include all costs associated with the meal service and document that all costs are allowable. * * *

* * * * *

■ 9. In § 225.13, revise paragraph (b)(1) to read as follows:

§ 225.13 Appeal procedures.

* * * * *

(b) * * *

(1) The sponsor or food service management company be advised in writing of the grounds upon which the State agency based the action. The notice of action shall also state that the sponsor or food service management company has the right to appeal the State's action. The notice is considered to be received by the sponsor or food service management company when it is delivered by certified mail, return receipt (or the equivalent private delivery service), by facsimile, or by email. If the notice is undeliverable, it is considered to be received by the sponsor or food service management company, five days after being sent to the addressee's last known mailing address, facsimile number, or email address;

* * * * *

■ 10. In § 225.14:

■ a. Amend introductory paragraph (d)(3) by removing the words ''direct operational control'' at the end of the first sentence and adding in their place the words ''administrative oversight'' and removing the words ''Operational control'' at the beginning of the second sentence and adding in their place the words ''Administrative oversight''; and

■ b. Revise paragraph (d)(3)(i).

The revision reads as follows:

§ 225.14 Requirements for sponsor participation.

* * * * *

(d) * * *

(3) * * *

(i) Maintaining contact with meal service staff, ensuring that there is adequately trained meal service staff on site, monitoring the meal service throughout the period of Program participation, and terminating meal service at a site if staff fail to comply with Program regulations; and

* * * * *

■ 11. In § 225.15:

■ a. Add paragraph (a)(4);

■ b. Revise the first sentence of paragraph (c)(1); and

■ c. Revise the second sentence of introductory paragraph (m)(4);

■ d. Revise paragraph (m)(4)(xii); and

■ e. Revise paragraphs (m)(5) and (m)(6).

The addition and revisions read as follows:

§ 225.15 Management responsibilities of sponsors.

(a) * * *

(4) Sponsors must maintain documentation of a nonprofit food service. Program reimbursements and expenditures may be included in a single nonprofit food service account with funds from any other Child Nutrition Programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, except the Special Supplemental Nutrition Program for Women, Infants, and Children. All Program reimbursement funds must be used solely for the conduct of the food service operation. The net cash resources of the nonprofit food service of each sponsor participating in the Program may not exceed three months' average expenditures. State agency approval shall be required for net cash resources in excess of three months' average expenditures. Sponsors shall monitor Program costs and take action to improve the meal service or other aspects of the Program if actual costs are less than the anticipated reimbursement.

* * * * *

(c) * * * (1) Sponsors shall maintain accurate records of all costs associated with the meal service and document that all costs are allowable. * * *

* * * * *

(m) * * *

(4) * * * Sponsors that are schools or school food authorities and have an exclusive contract with a food service management company for year-round service, and sponsors whose total contracts with food service management companies will not exceed the small purchase threshold in 41 U.S.C 403(11), shall not be required to comply with these procedures. * * *

* * * * *

(xii) All bids in an amount which exceeds the lowest bid and all bids totaling the amount specified in the small purchase threshold in 41 U.S.C 403(11), or more are submitted to the State agency for approval before acceptance. State agencies shall respond to a request for approval of such bids within 5 working days of receipt.

(5) Each food service management company which submits a bid exceeding the small purchase threshold in 41 U.S.C. 403(11), shall obtain a bid bond in an amount not less than 5 percent nor more than 10 percent, as determined by the sponsor, of the value of the contract for which the bid is made. A copy of the bid bond shall accompany each bid.

(6) Each food service management company which enters into a food service contract exceeding the small purchase threshold in 41 U.S.C. 403(11), with a sponsor shall obtain a performance bond in an amount not less than 10 percent nor more than 25 percent of the value of the contract for which the bid is made, as determined by the State agency. Any food service management company which enters into more than one contract with any one sponsor shall obtain a performance bond covering all contracts if the aggregate amount of the contracts exceeds the small purchase threshold in 41 U.S.C. 403(11). Sponsors shall require the food service management company to furnish a copy of the performance bond within ten days of the awarding of the contract.

* * * * *

■ 12. In § 225.17, add paragraph (f) to read as follows:

§ 225.17 Procurement standards.

* * * * *

(f) All contracts in excess of $10,000 must contain a clause allowing termination for cause and for convenience by the sponsor including the manner by which it will be effected and the basis for settlement.

Dated: April 14, 2013.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2013–16697 Filed 7–11–13; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 319 and 340

[Docket No. APHIS–2008–0011]

RIN 0579–AD75

Restructuring of Regulations on the Importation of Plants for Planting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; reopening of comment period and notice of public presentation.

SUMMARY: We are reopening the comment period for our proposed rule that would restructure the regulations governing the importation of plants for planting. This action will allow interested persons additional time to prepare and submit comments. We are also giving notice of a conference call and Web presentation in which we will provide participants with an overview of the proposed rule.

DATES: The comment period for the proposed rule published April 25, 2013 (78 FR 24634) is reopened. We will consider all comments that we receive on or before September 10, 2013. The conference call and Web presentation will be held on August 14, 2013, from 3 p.m. to 5 p.m. EDT.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2008-0011-0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2008–0011, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2008-0011* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Heather Coady, Regulatory Policy Specialist, Plants for Planting Policy, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2076.

SUPPLEMENTARY INFORMATION: On April 25, 2013, we published in the **Federal Register** (78 FR 24634–24663, Docket No. APHIS–2008–0011) a proposal that would restructure the regulations governing the importation of plants for planting in 7 CFR part 319.

Comments on the proposed rule were required to be received on or before June 24, 2013. We are reopening the comment period on Docket No. APHIS–2008–0011 for an additional 60 days. This action will allow interested persons additional time to prepare and submit comments. We will also consider all comments received between June 24, 2013, and the date of this notice.

In addition, we are providing notice of a conference call and Web presentation in which we will provide participants with an overview of the proposed rule. This event will be held on August 14, 2013, from 3 p.m. to 5 p.m. EDT. Although we will answer questions about the proposal during this event, we will not be soliciting or addressing any comments on the rule. Comments on the proposed rule may be submitted as described in the **ADDRESSES** section of this document.

If you are interested in participating in this event, please register at *https://web01.aphis.usda.gov/MeetingReg.nsf/MtgRegistration?openform.* Approximately 1 week before the event, registered participants will receive an email with a link to the Web presentation and conference line information. If you have any questions about the event, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** by phone or by email at *heather.s.coady@aphis.usda.gov.*

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 9th day of July 2013.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–16762 Filed 7–11–13; 8:45 am]

BILLING CODE 3410–34–P

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 meeting.

SUMMARY: This notice announces an additional open meeting of the Commercial Heating, Ventilation, and Air-conditioning (HVAC), Water Heating (WH), and Refrigeration Certification Working Group (Commercial Certification Group). The purpose of the Commercial Certification Group is to undertake a negotiated rulemaking to discuss and, if possible, reach consensus on proposed certification requirements for commercial HVAC, WH, and refrigeration equipment, as authorized by the Energy Policy and Conservation Act of 1975, as amended, 42 U.S.C. 6313(a)(6)(C) and 6317(a).

DATES: The additional meeting will be held on Wednesday, July 10, 2013, 9:00 a.m.–1:00 p.m. (EDT).

ADDRESSES: Room 6075, 950 L'Enfant Plaza, Washington, DC 20024.

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:

Membership: The members of the Certification Working Group were chosen from nominations submitted in response to the Department of Energy's call for nominations published in the **Federal Register** on Tuesday, March 12, 2013. 78 FR 15653. The selections are designed to ensure a broad and balanced array of stakeholder interests and expertise on the negotiating working group for the purpose of developing a rule that is legally and economically justified, technically sound, fair to all parties, and in the public interest. All meetings are open to all stakeholders and the public, and participation by all is welcome within boundaries as required by the orderly conduct of business. The members of the Certification Group are as follows:

DOE and ASRAC Representatives

- Laura Barhydt (U.S. Department of Energy)
- John Mandyck (UTC Climate, Controls & Security)
- Kent Peterson (P2S Engineering, Inc.)

Other Selected Members

- Karim Amrane (Air-Conditioning, Heating and Refrigeration Institute)
- Timothy Ballo (EarthJustice)
- Jeff Bauman (National Refrigeration & Air-Conditioning)
- Brice Bowley (GE Appliances)
- Mary Dane (Traulsen)
- Paul Doppel (Mitsubishi Electric US, Inc.)
- Geoffrey Halley (SJI Consultants, Inc.)
- Pantelis Hatzikazakis (Lennox International, Inc.)
- Charles Hon (True Manufacturing)
- Jill Hootman (Trane)
- Marshall Hunt (Pacific Gas and Electric Company)
- Michael Kojak (Underwriters Laboratories LLC)
- Karen Meyers (Rheem Manufacturing Co.)
- Peter Molvie (Cleaver-Brooks Product Development)
- Neil Rolph (Lochinvar, LLC)

- Harvey Sachs (American Council for an Energy-Efficient Economy)
- Ronald Shebik (Hussmann Corporation)
- Judd Smith (CSA)
- Louis Starr (Northwest Energy Efficiency Alliance)
- Phillip Stephens (Heat Transfer Products)
- Russell Tharp (Goodman Manufacturing)
- Eric Truskoski (Bradford White Corp.)

Purpose of Meeting: To provide advice and recommendations to the U.S. Department of Energy on certification requirements of commercial HVAC, WH, and refrigeration equipment under the authority of the Negotiated Rulemaking Act (5 U.S.C. 561–570, Pub. L. 104–320).

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. Any foreign national wishing to participate in the meetings should advise ASRAC staff as soon as possible by emailing *asrac@ee.doe.gov* to initiate the necessary procedures, no later than two weeks before each meeting. Anyone attending the meeting will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

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. A third-party neutral facilitator will make every effort to allow the presentations of 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. Written comments are welcome from all interested parties. Any comments submitted must identify the Commercial HVAC, WH, and Refrigeration Certification Working Group, and provide docket number EERE–2013–BT–NOC–0023. 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: ASRACworkgroup2013 NOC0023@ee.doe.gov.* Include docket number EERE–2013–BT–NOC–0023 in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 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 Program, 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 July 8, 2013.

Kathleen B. Hogan,

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

[FR Doc. 2013–16731 Filed 7–11–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2013–BT–DET–0034]

RIN 1904–AD03

Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Proposed Determination of Computer Servers as a Covered Consumer Product

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Proposed determination of coverage.

SUMMARY: The U.S. Department of Energy (DOE or the ''Department'') has determined tentatively that computer servers (servers) qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), as amended. DOE has determined that servers meet the criteria for covered products because classifying products of such type as covered products is necessary or appropriate to carry out the purposes of EPCA, and the average U.S. household energy use for servers is likely to exceed 100 kilowatt-hours (kWh) per year.

DATES: DOE will accept written comments, data, and information on this notice, but no later than August 12, 2013.

ADDRESSES: Interested persons may submit comments, identified by docket number EERE–2013–BT–DET–0034, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov* Follow the instructions for submitting comments.
- *Email: Servers2013DET0034@ee.doe.gov.* Include EERE–2013–BT–DET–0034 and/or RIN 1904–AD03 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Proposed Determination for servers, EERE–2013–BT–DET–0034 and/or RIN 1904–AD03, 1000 Independence Avenue SW., Washington, DC 20585–0121. *Phone:* (202) 586–2945. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. *Phone:* (202) 586–2945. Please submit one signed paper original.

Instructions: All submissions received must include the agency name and

docket number or RIN for this rulemaking.

Docket: For access to the docket to read background documents or comments received, go to the U.S. Department of Energy, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024, (202) 586–2945, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at (202) 586–2945 for additional information regarding visiting the Resource Room.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: *DOE_server_standards@ee.doe.gov.*

In the Office of General Counsel, contact Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6122. Email: *Celia.Sher@hq.doe.gov.*

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I. Statutory Authority

Title III of the Energy Policy and Conservation Act (EPCA), as amended (42 U.S.C. 6291 *et seq.*), sets forth various provisions designed to improve energy efficiency. Part A of Title III of EPCA (42 U.S.C. 6291–6309) established the ''Energy Conservation Program for Consumer Products Other Than Automobiles,'' which covers consumer products and certain commercial products (hereafter referred to as ''covered products'').[1] The term ''consumer product'' is defined as a non-automotive product ''which, to any significant extent, is distributed in commerce for personal use or consumption by individuals, without regard to whether such article of such type is in fact distributed in commerce for personal use or consumption by an individual [. . .].'' (42 U.S.C. 6291(1)) In addition to specifying a list of covered residential and commercial products, EPCA contains provisions that enable the Secretary of Energy to classify additional types of consumer products as covered products. For a given product to be classified as a covered product, the Secretary must determine that:

(1) Classifying the product as a covered product is necessary for the purposes of EPCA; and

(2) The average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours (kWh) per year. (42 U.S.C. 6292(b)(1))

For the Secretary to prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p) for covered products added pursuant to 42 U.S.C. 6292(b)(1), he must also determine that:

(1) The average household energy use of the products has exceeded 150 kWh per household for a 12-month period;

(2) The aggregate 12-month energy use of the products has exceeded 4.2 TWh;

(3) Substantial improvement in energy efficiency is technologically feasible; and

(4) Application of a labeling rule under 42 U.S.C. 6294 is unlikely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) that achieve the maximum energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(l)(1))

Servers provide services and manage networked resources for client devices such as desktop and laptop computers. These services and resources are accessed via a network connection. If DOE issues a final determination that servers are a covered product, DOE will consider test procedures and energy conservation standards for servers. DOE will determine if servers satisfy the provisions of 42 U.S.C. 6295(l)(1) during the course of any energy conservation standards rulemaking.

II. Current Rulemaking Process

DOE has not previously conducted an energy conservation standard rulemaking for servers. If, after public comment, DOE issues a final determination of coverage for this product, DOE may prescribe test procedures and energy conservation standards for this product.

With respect to test procedures, DOE will consider a proposed test procedure for measuring the energy efficiency, energy use or estimated annual operating cost of servers during a representative average use cycle or period of use that is not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) In a test procedure rulemaking, DOE initially prepares a notice of proposed rulemaking (NOPR) and allows interested parties to present oral and written data, views, and arguments with respect to such procedures. In prescribing new test procedures, DOE takes into account relevant information including technological developments relating to energy use or energy efficiency of servers.

With respect to energy conservation standards, DOE is required to publish a NOPR. The NOPR provides DOE's proposal for potential energy conservations standards and a summary of the results of DOE's supporting technical analysis. The details of DOE's energy conservation standards analysis are provided in a technical support document (TSD) that describes the details of DOE's analysis of both the burdens and benefits of potential standards, pursuant to 42 U.S.C. 6295(o). Because servers would be a product that is newly covered under 42 U.S.C. 6292(b)(1), DOE would also consider as part of any energy conservation standard NOPR whether servers satisfy the requirements of 42 U.S.C. 6295(l)(1). After the publication of the NOPR, DOE affords interested persons an opportunity during a period of not less than 60 days to provide oral and written comment. After receiving and considering the comments on the NOPR and not less than 90 days after the publication of the NOPR, DOE would issue the final rule prescribing any new energy conservation standards for servers.

III. Proposed Definition(s)

DOE proposes to add a definition for ''Servers'' in the Code of Federal Regulations to clarify coverage of any potential test procedure or energy conservation standard that may arise

[1] For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.

from today's proposed determination. There currently is no statutory definition of servers. DOE has determined preliminarily that adding servers as a covered product is justified. Accordingly, DOE proposes the following definition of servers to consider test procedures and energy conservation standards for servers and to provide clarity for interested parties as it continues its analyses:

A computer that provides services and manages networked resources for client devices (e.g., desktop computers, notebook computers, thin clients, wireless devices, PDAs, IP telephones, other computer servers, or other network devices). A computer server is primarily accessed via network connections, versus directly connected user input devices such as a keyboard or mouse.

This proposed definition does not include desktop or laptop computers, which are not primarily accessed via network connections. DOE seeks feedback from interested parties on its proposed definition of servers.

IV. Evaluation of Servers as a Covered Product Subject to Energy Conservation Standards

The following sections describe DOE's evaluation of whether servers fulfill the criteria for being added as a covered product pursuant to 42 U.S.C. 6292(b)(1). As stated previously, DOE may classify a consumer product as a covered product if (1) classifying products of such type as covered products is necessary and appropriate to carry out the purposes of EPCA; and (2) the average annual per-household energy use by products of such type is likely to exceed 100 kWh (or its Btu equivalent) per year.

A. Coverage Necessary or Appropriate to Carry Out Purposes of EPCA

Coverage of servers is necessary or appropriate to carry out the purposes of EPCA, which include: (1) To conserve energy supplies through energy conservation programs, and, where necessary, the regulation of certain energy uses; and (2) to provide for improved energy efficiency of motor vehicles, major appliances, and certain other consumer products. (42 U.S.C. 6201) The aggregate energy use of servers is significant and rising as cloud computing becomes more ubiquitous. Individuals and enterprises increasingly rely on centralized applications and data storage. Coverage of servers will enable the conservation of energy supplies through both labeling programs and the regulation of server energy efficiency. The national electricity use of servers in 2010 was estimated to be 26.5 billion kWh as a lower bound, an increase of at least 18% from 2005.[2] Several technologies exist to reduce the energy consumption of servers, including virtualization, improved capacity management, high-efficiency hard disk drives, dynamic frequency/voltage scaling, and improved network port efficiency. In addition, reduced server energy demand enables secondary energy savings from space cooling, ventilation, and uninterruptible power supplies.

B. Average Household Energy Use

DOE calculated average household energy use for servers, in households that use the product, based on data from published literature. These recent studies estimate the electricity use of individual servers in the U.S., from mass-produced volume servers to custom designed high-end servers.[3] The annual energy consumption of individual servers reported in these studies ranges from approximately 1900–2100 kWh/yr for volume servers, 5400–6900 kWh/yr for mid-range servers, and 66,000–81,000 kWh/yr for high-end servers.[4] Under the assumption that households that use servers would have at most one of these types of servers, DOE estimated the average annual household energy use for households that use servers to be at least 1900 kWh/yr, and possibly much larger. Therefore, DOE tentatively determines that the average annual per-household energy use for servers is very likely to exceed 100 kWh/yr, satisfying the provisions of 42 U.S.C. 6292(b)(1).

Based on the above, DOE has determined tentatively that servers qualify as a covered product under Part A of Title III of the EPCA, as amended.

V. Procedural Issues and Regulatory Review

DOE has reviewed its proposed determination of servers under the following executive orders and acts.

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that coverage determination rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this proposed action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996) requires preparation of an initial regulatory flexibility analysis for any rule that, by law, must be proposed for public comment, unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis examines the impact of the rule on small entities and considers alternative ways of reducing negative effects. Also, as required by E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003 to ensure that the potential impact of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990 (February 19, 2003). DOE makes its procedures and policies available on the Office of the General Counsel's Web site at *www. gc.doe.gov./gc/office-general-counsel.*

DOE reviewed today's proposed determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. If adopted, today's proposed determination would set no standards; they would only positively determine that future standards may be warranted and should be explored in an energy conservation standards and test procedure rulemaking. Economic impacts on small entities would be considered in the context of such rulemakings. On the basis of the foregoing, DOE certifies that the proposed determination, if adopted, would have no significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this proposed determination. DOE will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

[2] Koomey, J.G. 2011. *Growth in Data Center Electricity Use 2005 to 2010.* Analytics Press.

[3] Koomey, J.G. 2011. *Growth in Data Center Electricity Use 2005 to 2010.* Analytics Press; Koomey, J.G. 2008. Worldwide Electricity Used in Data Centers. *Environmental Research Letters, 3;* Zogg, R. et al. 2009. *Energy Savings Potential and RD&D Opportunities for Commercial Building Appliances.* Prepared by Navigant Consulting, Inc. for DOE; Masanet, E.R. et al. 2011. Estimating the Energy Use and Efficiency Potential of U.S. Data Centers. *Proceedings of the IEEE* 99 (8), 1440–1453.

[4] *Id.*

C. Review Under the Paperwork Reduction Act of 1995

This proposed determination, which proposes to determine that servers meet the criteria for a covered product for which the Secretary may prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p), will impose no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

In this notice, DOE proposes to positively determine that future standards may be warranted and that environmental impacts should be explored in an energy conservation standards rulemaking. DOE has determined that review under the National Environmental Policy Act of 1969 (NEPA), Public Law 91–190, codified at 42 U.S.C. 4321 *et seq.* is not required at this time. NEPA review can only be initiated ''as soon as environmental impacts can be meaningfully evaluated'' (10 CFR 1021.213(b)). This proposed determination would only determine that future standards may be warranted, but would not itself propose to set any specific standard. DOE has, therefore, determined that there are no environmental impacts to be evaluated at this time. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order (E.O.) 13132, ''Federalism'' 64 FR 43255 (August 10, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to assess carefully the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in developing regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process that it will follow in developing such regulations. 65 FR 13735 (March 14, 2000). DOE has examined today's proposed determination and concludes that it would not preempt State law or have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the product that is the subject of today's proposed determination. States can petition DOE for exemption from such preemption to the extent permitted, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) No further action is required by E.O. 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, ''Civil Justice Reform'' 61 FR 4729 (February 7, 1996), imposes on Federal agencies the duty to: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation specifies the following: (1) The preemptive effect, if any; (2) any effect on existing Federal law or regulation; (3) a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) the retroactive effect, if any; (5) definitions of key terms; and (6) other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether these standards are met, or whether it is unreasonable to meet one or more of them. DOE completed the required review and determined that, to the extent permitted by law, this proposed determination meets the relevant standards of E.O. 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4, codified at 2 U.S.C. 1501 *et seq.*) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector. For regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any 1 year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a) and (b)) UMRA requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' UMRA also requires an agency plan for giving notice and opportunity for timely input to small governments that may be potentially affected before establishing any requirement that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820 (March 18, 1997). (This policy also is available at *www.gc.doe.gov*). DOE reviewed today's proposed determination pursuant to these existing authorities and its policy statement and determined that the proposed determination contains neither an intergovernmental mandate nor a mandate that may result in the expenditure of $100 million or more in any year, so the UMRA requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed determination would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, ''Governmental Actions and Interference With Constitutionally Protected Property Rights'' 53 FR 8859 (March 15, 1988), DOE determined that this proposed determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act of 2001

The Treasury and General Government Appropriation Act of 2001 (44 U.S.C. 3516, note) requires agencies

to review most disseminations of information they make to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. The OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's proposed determination under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

E.O. 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates a final rule or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under E.O. 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the proposal is implemented, and of reasonable alternatives to the proposed action and their expected benefits on energy supply, distribution, and use.

DOE has concluded that today's regulatory action proposing to determine that servers meet the criteria for a covered product for which the Secretary may prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p) would not have a significant adverse effect on the supply, distribution, or use of energy. This action is also not a significant regulatory action for purposes of E.O. 12866, and the OIRA Administrator has not designated this proposed determination as a significant energy action under E.O. 12866 or any successor order. Therefore, this proposed determination is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects for this proposed determination.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (OSTP), issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (January 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal government, including influential scientific information related to agency regulatory actions. The purpose of the Bulletin is to enhance the quality and credibility of the Government's scientific information. DOE has determined that the analyses conducted for this rulemaking do not constitute ''influential scientific information,'' which the Bulletin defines as ''scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions.'' 70 FR 2667 (January 14, 2005). The analyses were subject to pre-dissemination review prior to issuance of this rulemaking.

DOE will determine the appropriate level of review that would be applicable to any future rulemaking to establish energy conservation standards for servers.

VI. Public Participation

A. Submission of Comments

DOE will accept comments, data, and information regarding this notice of proposed determination no later than the date provided at the beginning of this notice. After the close of the comment period, DOE will review the comments received and determine whether servers are a covered product under EPCA.

Comments, data, and information submitted to DOE's email address for this proposed determination should be provided in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format. Submissions should avoid the use of special characters or any form of encryption, and wherever possible comments should include the electronic signature of the author. No telefacsimiles (faxes) will be accepted.

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: One copy of the document should have all the information believed to be confidential deleted. DOE will make its own determination as to the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known or available from public sources; (4) whether the information has previously been made available to others without obligations concerning its confidentiality; (5) an explanation of the competitive injury to the submitting persons which would result from public disclosure; (6) a date after which such information might no longer be considered confidential; and (7) why disclosure of the information would be contrary to the public interest.

B. Issues on Which DOE Seeks Comments

DOE welcomes comments on all aspects of this proposed determination. DOE is particularly interested in receiving comments from interested parties on the following issues related to the proposed determination for servers:

- Definition(s) of servers;
- Whether classifying servers as a covered product is necessary or appropriate to carry out the purposes of EPCA;
- Calculations and values for household and national energy consumption; and
- Availability or lack of availability of technologies for improving energy efficiency of servers.

The Department is interested in receiving views concerning other relevant issues that participants believe would affect DOE's ability to establish test procedures and energy conservation standards for servers. The Department invites all interested parties to submit in writing by August 12, 2013, comments and information on matters addressed in this notice and on other matters relevant to consideration of a determination for servers.

After the expiration of the period for submitting written statements, the Department will consider all comments and additional information that is obtained from interested parties or through further analyses, and it will prepare a final determination. If DOE determines that servers qualify as a covered product, DOE will consider a test procedure and energy conservation standards for servers. Members of the public will be given an opportunity to submit written and oral comments on any proposed test procedure and standards.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Reporting and recordkeeping requirements.

Issued in Washington, DC, on July 5, 2013.

Kathleen B. Hogan,

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

[FR Doc. 2013–16730 Filed 7–11–13; 8:45 am]

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DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2013–BT–DET–0035]

RIN 1904–AD04

Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Proposed Determination of Computers as a Covered Consumer Product

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Proposed determination.

SUMMARY: The U.S. Department of Energy (DOE or the ''Department'') has determined tentatively that computers qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), as amended. DOE has determined that computers meet the criteria for covered products because classifying products of such type as covered products is necessary or appropriate to carry out the purposes of EPCA, and the average U.S. household energy use for computers is likely to exceed 100 kilowatt-hours (kWh) per year.

DATES: DOE will accept written comments, data, and information on this notice, but no later than August 12, 2013.

ADDRESSES: Interested persons may submit comments, identified by docket number EERE–2013–BT–DET–0035, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Computers2013DET0035@ee.doe.gov.* Include EERE–2013–BT–DET–0035 and/or RIN 1904–AD04 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Proposed Determination for computers, EERE–2013–BT–DET–0035 and/or RIN 1904–AD04, 1000 Independence Avenue SW., Washington, DC 20585–0121. *Phone:* (202) 586–2945. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. *Phone:* (202) 586–2945. Please submit one signed paper original.

Instructions: All submissions received must include the agency name and docket number or RIN for this rulemaking.

Docket: For access to the docket to read background documents or comments received, go to the U.S. Department of Energy, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024, (202) 586–2945, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at (202) 586–2945 for additional information regarding visiting the Resource Room.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: *DOE_computer_standards@ee.doe.gov.*

In the Office of General Counsel, contact Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6122. Email: *Celia.Sher@hq.doe.gov.*

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B. Issues on Which DOE Seeks Comments

I. Statutory Authority

Title III of the Energy Policy and Conservation Act (EPCA), as amended (42 U.S.C. 6291 *et seq.*), sets forth various provisions designed to improve energy efficiency. Part A of Title III of EPCA (42 U.S.C. 6291–6309) established the ''Energy Conservation Program for Consumer Products Other Than Automobiles,'' which covers consumer products and certain commercial products (hereafter referred to as ''covered products'').[1] In addition to specifying a list of covered residential and commercial products, EPCA contains provisions that enable the Secretary of Energy to classify additional types of consumer products as covered products. For a given product to be classified as a covered product, the Secretary must determine that:

(1) Classifying the product as a covered product is necessary for the purposes of EPCA; and

(2) The average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours (kWh) per year. (42 U.S.C. 6292(b)(1))

For the Secretary to prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p) for covered products added pursuant to 42 U.S.C. 6292(b)(1), he must also determine that:

(1) The average household energy use of the products has exceeded 150 kWh per household for a 12-month period;

(2) The aggregate 12-month energy use of the products has exceeded 4.2 TWh;

(3) Substantial improvement in energy efficiency is technologically feasible; and

(4) Application of a labeling rule under 42 U.S.C. 6294 is unlikely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) that achieve the maximum energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(l)(1)).

Computers are devices which perform logical operations and process data. If DOE issues a final determination that computers are a covered product, DOE will consider test procedures and energy conservation standards for computers. DOE will determine if computers satisfy the provisions of 42 U.S.C. 6295(l)(1) during the course of any energy conservation standards rulemaking.

II. Current Rulemaking Process

DOE has not previously conducted an energy conservation standard

[1] For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.

rulemaking for computers. If, after public comment, DOE issues a final determination of coverage for this product, DOE will consider both test procedures and energy conservation standards for this product.

With respect to test procedures, DOE will consider a proposed test procedure for measuring the energy efficiency, energy use or estimated annual operating cost of computers during a representative average use cycle or period of use that is not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) In a test procedure rulemaking, DOE initially prepares a notice of proposed rulemaking (NOPR) and allows interested parties to present oral and written data, views, and arguments with respect to such procedures. In prescribing new test procedures, DOE takes into account relevant information including technological developments relating to energy use or energy efficiency of computers.

With respect to energy conservation standards, DOE is required to publish a NOPR. The NOPR provides DOE's proposal for potential energy conservations standards and a summary of the results of DOE's supporting technical analysis. The details of DOE's energy conservation standards analysis are provided in a technical support document (TSD) that describes the details of DOE's analysis of both the burdens and benefits of potential standards, pursuant to 42 U.S.C. 6295(o). Because computers would be a product that is newly covered under 42 U.S.C. 6292(b)(1), DOE would also consider as part of any energy conservation standard NOPR whether computers satisfy the requirements of 42 U.S.C. 6295(l)(1). After the publication of the NOPR, DOE affords interested persons an opportunity during a period of not less than 60 days to provide oral and written comment. After receiving and considering the comments on the NOPR and not less than 90 days after the publication of the NOPR, DOE would issue the final rule prescribing any new energy conservation standards for computers.

III. Proposed Definition

DOE proposes to add a definition for ''Computers'' in the Code of Federal Regulations to clarify coverage of any potential test procedure or energy conservation standard that may arise from today's proposed determination. There currently is no statutory definition of computers. DOE has determined preliminarily that adding computers as a covered product is justified. Accordingly, DOE proposes the following definition of computers to consider test procedures and energy conservation standards for computers and to provide clarity for interested parties as it continues its analyses:

A consumer product which performs logical operations and processes data. A computer is composed of, at a minimum: (a) A central processing unit (CPU) to perform operations, or the ability to function as a client gateway to a server which acts as a computational CPU; (b) user input devices such as a keyboard, mouse, or touchpad; and (c) an integrated display screen and/or the ability to support an external display screen to output information.

This proposed definition includes (but is not necessarily limited to) desktop computers, integrated desktop computers, laptop/notebook/netbook computers, and workstations. This proposed definition does not include servers without the ability to connect user input devices and/or support an external display screen. DOE seeks feedback from interested parties on its proposed definition of computers.

IV. Evaluation of Computers as a Covered Product Subject to Energy Conservation Standards

The following sections describe DOE's evaluation of whether computers fulfill the criteria for being added as a covered product pursuant to 42 U.S.C. 6292(b)(1). As stated previously, DOE may classify a consumer product as a covered product if (1) classifying products of such type as covered products is necessary and appropriate to carry out the purposes of EPCA; and (2) the average annual per-household energy use by products of such type is likely to exceed 100 kWh (or its Btu equivalent) per year.

A. Coverage Necessary or Appropriate to Carry Out Purposes of EPCA

Coverage of computers is necessary or appropriate to carry out the purposes of EPCA, which include: (1) To conserve energy supplies through energy conservation programs, and, where necessary, the regulation of certain energy uses; and (2) to provide for improved energy efficiency of motor vehicles, major appliances, and certain other consumer products. (42 U.S.C. 6201) The aggregate energy use of computers is significant and is projected to hold steady in the near future.[2] Current estimates of national electricity usage are 30.3 billion kWh in the residential sector, and 31.3 billion kWh in the commercial sector.[3] The penetration of computers in the residential sector is high, with 63% of U.S. households owning a desktop computer, and 65% of U.S. households owning a notebook, laptop, or netbook computer, in 2013.[4] Coverage of computers will enable the conservation of energy supplies through both labeling programs and the regulation of computer energy efficiency. There is significant variation in the annual energy consumption of different models currently available, therefore technologies exist to reduce the energy consumption of computers.

B. Average Household Energy Use

DOE calculated average household energy use for computers, in households that use the product, based on estimates reported in recently published studies. In these studies, the average annual energy use for a desktop computer was estimated to be 220 kWh/yr, and the average annual energy use for a portable computer was estimated to be 62 kWh/yr, resulting in a weighted average of 130 kWh/yr per computer.[5] However, a significant fraction of U.S. households own more than a single computer, thus the total average household energy consumption is likely to be higher than these estimations. If, as reported above, 63% of households own at least one desktop computer, and 65% of households own at least one portable computer, then 87% of households own at least one computer.[6] There are an estimated 119 million households in the U.S. in 2013;[7] therefore, there are approximately 104 million households that own at least one computer.

[2] U.S. Energy Information Administration, 2013. *Annual Energy Outlook 2013. http://www.eia.gov/forecasts/aeo/.*

[3] Urban, B. et al., 2011. *Energy Consumption of Consumer Electronics in U.S. Homes in 2010.* Prepared by the Fraunhofer Center for Sustainable Energy Systems for the Consumer Electronics Association; Zogg, R. et al., 2009. *Energy Savings Potential and RD&D Opportunities for Commercial Building Appliances.* Prepared by Navigant Consulting, Inc. for DOE.

[4] Consumer Electronics Association, 2013. *15th Annual CE Ownership and Market Potential Study.*

[5] Urban, B. et al., 2011. *Energy Consumption of Consumer Electronics in U.S. Homes in 2010.* Prepared by the Fraunhofer Center for Sustainable Energy Systems for the Consumer Electronics Association; Zogg, R. et al., 2009. *Energy Savings Potential and RD&D Opportunities for Commercial Building Appliances.* Prepared by Navigant Consulting, Inc. for DOE.

[6] This assumes that the probability of a household owning a desktop computer is independent of the probability of a household owning a laptop computer. In reality, this may or may not be the case. The assumption of independence provides an upper bound on the total percentage of households that own at least one computer, and therefore results in a conservative estimate of the annual per-household electricity usage.

[7] U.S. Energy Information Administration, 2013. *Annual Energy Outlook 2013. http://www.eia.gov/forecasts/aeo/.*

Assuming that the total national electricity consumption of computers in the residential sector is 30.3 billion kWh [8], DOE estimates the average annual per-household electricity usage to be approximately 291 kWh/yr. Therefore, DOE tentatively determines that the average annual per-household energy use for computers is likely to exceed 100 kWh/yr, satisfying the provisions of 42 U.S.C. 6292(b)(1).

Based on the above, DOE has determined tentatively that computers qualify as a covered product under Part A of Title III of the EPCA, as amended.

V. Procedural Issues and Regulatory Review

DOE has reviewed its proposed determination of computers under the following executive orders and acts.

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that coverage determination rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this proposed action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996) requires preparation of an initial regulatory flexibility analysis for any rule that, by law, must be proposed for public comment, unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis examines the impact of the rule on small entities and considers alternative ways of reducing negative effects. Also, as required by E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003 to ensure that the potential impact of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990 (February 19, 2003). DOE makes its procedures and policies available on the Office of the General Counsel's Web site at *www.gc.doe.gov./gc/office-general-counsel.*

DOE reviewed today's proposed determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. If adopted, today's proposed determination would set no standards; they would only positively determine that future standards may be warranted and should be explored in an energy conservation standards and test procedure rulemaking. Economic impacts on small entities would be considered in the context of such rulemakings. On the basis of the foregoing, DOE certifies that the proposed determination, if adopted, would have no significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this proposed determination. DOE will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

This proposed determination, which proposes to determine that computers meet the criteria for a covered product for which the Secretary may prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p), will impose no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

In this notice, DOE proposes to positively determine that future standards may be warranted and that environmental impacts should be explored in an energy conservation standards rulemaking. DOE has determined that review under the National Environmental Policy Act of 1969 (NEPA), Public Law 91–190, codified at 42 U.S.C. 4321 *et seq.* is not required at this time. NEPA review can only be initiated ''as soon as environmental impacts can be meaningfully evaluated'' (10 CFR 1021.213(b)). This proposed determination would only determine that future standards may be warranted, but would not itself propose to set any specific standard. DOE has, therefore, determined that there are no environmental impacts to be evaluated at this time. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order (E.O.) 13132, ''Federalism'' 64 FR 43255 (August 10, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to assess carefully the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in developing regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process that it will follow in developing such regulations. 65 FR 13735 (March 14, 2000). DOE has examined today's proposed determination and concludes that it would not preempt State law or have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the product that is the subject of today's proposed determination. States can petition DOE for exemption from such preemption to the extent permitted, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) No further action is required by E.O. 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, ''Civil Justice Reform'' 61 FR 4729 (February 7, 1996), imposes on Federal agencies the duty to: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation specifies the following: (1) The preemptive effect, if any; (2) any effect on existing Federal law or regulation; (3) a clear legal standard for

[8] Urban, B. et al., 2011. *Energy Consumption of Consumer Electronics in U.S. Homes in 2010.* Prepared by the Fraunhofer Center for Sustainable Energy Systems for the Consumer Electronics Association; Zogg, R. et al., 2009. *Energy Savings Potential and RD&D Opportunities for Commercial Building Appliances.* Prepared by Navigant Consulting, Inc. for DOE.

affected conduct while promoting simplification and burden reduction; (4) the retroactive effect, if any; (5) definitions of key terms; and (6) other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether these standards are met, or whether it is unreasonable to meet one or more of them. DOE completed the required review and determined that, to the extent permitted by law, this proposed determination meets the relevant standards of E.O. 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4, codified at 2 U.S.C. 1501 *et seq.*) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector. For regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any 1 year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a) and (b)) UMRA requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' UMRA also requires an agency plan for giving notice and opportunity for timely input to small governments that may be potentially affected before establishing any requirement that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820 (March 18, 1997). (This policy also is available at *www.gc.doe.gov*). DOE reviewed today's proposed determination pursuant to these existing authorities and its policy statement and determined that the proposed determination contains neither an intergovernmental mandate nor a mandate that may result in the expenditure of $100 million or more in any year, so the UMRA requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed determination would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 15, 1988), DOE determined that this proposed determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act of 2001

The Treasury and General Government Appropriation Act of 2001 (44 U.S.C. 3516, note) requires agencies to review most disseminations of information they make to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. The OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's proposed determination under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

E.O. 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates a final rule or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under E.O. 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the proposal is implemented, and of reasonable alternatives to the proposed action and their expected benefits on energy supply, distribution, and use.

DOE has concluded that today's regulatory action proposing to determine that computers meet the criteria for a covered product for which the Secretary may prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p) would not have a significant adverse effect on the supply, distribution, or use of energy. This action is also not a significant regulatory action for purposes of E.O. 12866, and the OIRA Administrator has not designated this proposed determination as a significant energy action under E.O. 12866 or any successor order. Therefore, this proposed determination is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects for this proposed determination.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (OSTP), issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (January 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal government, including influential scientific information related to agency regulatory actions. The purpose of the Bulletin is to enhance the quality and credibility of the Government's scientific information. DOE has determined that the analyses conducted for this rulemaking do not constitute ''influential scientific information,'' which the Bulletin defines as ''scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions.'' 70 FR 2667 (January 14, 2005). The analyses were subject to pre-dissemination review prior to issuance of this rulemaking.

DOE will determine the appropriate level of review that would be applicable to any future rulemaking to establish energy conservation standards for computers.

VI. Public Participation

A. Submission of Comments

DOE will accept comments, data, and information regarding this notice of proposed determination no later than

the date provided at the beginning of this notice. After the close of the comment period, DOE will review the comments received and determine whether computers are a covered product under EPCA.

Comments, data, and information submitted to DOE's email address for this proposed determination should be provided in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format. Submissions should avoid the use of special characters or any form of encryption, and wherever possible comments should include the electronic signature of the author. No telefacsimiles (faxes) will be accepted.

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: one copy of the document should have all the information believed to be confidential deleted. DOE will make its own determination as to the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known or available from public sources; (4) whether the information has previously been made available to others without obligations concerning its confidentiality; (5) an explanation of the competitive injury to the submitting persons which would result from public disclosure; (6) a date after which such information might no longer be considered confidential; and (7) why disclosure of the information would be contrary to the public interest.

B. Issues on Which DOE Seeks Comments

DOE welcomes comments on all aspects of this proposed determination. DOE is particularly interested in receiving comments from interested parties on the following issues related to the proposed determination for computers:

- Definition(s) of computers;
- Whether classifying computers as a covered product is necessary or appropriate to carry out the purposes of EPCA;
- Calculations and values for average household energy consumption; and
- Availability or lack of availability of technologies for improving energy efficiency of computers.

The Department is interested in receiving views concerning other relevant issues that participants believe would affect DOE's ability to establish test procedures and energy conservation standards for computers. The Department invites all interested parties to submit in writing by August 12, 2013, comments and information on matters addressed in this notice and on other matters relevant to consideration of a determination for computers.

After the expiration of the period for submitting written statements, the Department will consider all comments and additional information that is obtained from interested parties or through further analyses, and it will prepare a final determination. If DOE determines that computers qualify as a covered product, DOE will consider a test procedure and energy conservation standards for computers. Members of the public will be given an opportunity to submit written and oral comments on any proposed test procedure and standards.

List of Subjects in 10 CFR part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Reporting and recordkeeping requirements.

Issued in Washington, DC, on July 5, 2013.

Kathleen B. Hogan,

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

[FR Doc. 2013–16728 Filed 7–11–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0574; Directorate Identifier 2008–SW–22–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada (Bell) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) for the Bell Model 407 helicopters. The existing AD currently requires preflight checking and repetitively inspecting for a crack in certain tailbooms that have been redesigned, replacing the tailboom if there is a crack, modifying and re-identifying certain tailbooms, installing an improved horizontal stabilizer assembly, and assigning a 5,000 hour time-in-service (TIS) limit. Since we issued that AD, we have received several additional reports of cracked tailboom skins. This proposed AD would retain the existing requirements and apply additional inspection requirements. The proposed actions are intended to prevent separation of the tailboom and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by September 10, 2013.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

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

For service information identified in this proposed AD, contact Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272 or at *http://www.bellcustomer.com/files/.* You may review service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5110, fax (817) 222–5961, email *sharon.y.miles@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

On March 21, 2000, we issued AD 2000–06–10, Amendment 39–11651 (65 FR 16804, March 30, 2000), to require preflight checking and repetitively inspecting the tailboom for a crack and replacing the tailboom if a crack was found. On March 3, 2003, we issued AD 2003–05–03, Amendment 39–13079 (68 FR 11967, March 13, 2003), which superseded AD 2000–06–10. AD 2003–05–03 requires prelight checks and repetitive inspections, modifying and reidentifying certain tailbooms, installing an improved horizontal stabilizer assembly, and assigning a 5,000-hour TIS life limit to certain tailbooms. AD 2003–05–03 was intended to prevent separation of the tailboom and subsequent loss of control of the helicopter.

Actions Since Existing AD Was Issued

Since we issued AD 2003–05–03, Transport Canada, which is the aviation authority for Canada, has issued Canadian AD No. CF–2008–04, dated January 11, 2008 (AD CF–2008–04), based on several reports of cracks to the tailboom skin on the left side in the area of horizontal stabilizer found by visual inspection. AD CF–2008–04 mandates new inspection requirements based on the manufacturer's service information discussed in the ''Related Service Information'' section of this NPRM.

FAA's Determination

This helicopter model has been approved by the aviation authority of Canada and is approved for operation in the United States. Pursuant to our bilateral agreement, Transport Canada has kept the FAA informed of the situation described above. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other helicopters of these same type designs.

Related Service Information

We reviewed Bell Alert Service Bulletin (ASB) No. 407–07–80 and ASB No. 407–01–48, Revision C, both dated August 27, 2007. In ASB No. 407–07–80, Bell states they have received additional reports of cracked tailboom skins, part number (P/N) 407–030–801–157, affecting tailboom assemblies, P/N 407–530–014–101 and –103 (modified per AD 2003–05–03, reference ASB 407–01–48, Revision B, dated April 25, 2002), and original production tailboom assembly, P/N 407–030–801–107. Each report indicated a crack above the left side upper stabilizer attachment support at Station 98.89. Further investigation conducted by Bell revealed other areas of the tailbooms require additional attention. Thus, ASB 407–07–080 contains procedures for preparing the tailboom for repetitive inspection, preflight checking the tailboom, and repetitively inspecting the tailboom. Bell specifies that replacing the affected tailboom assembly, P/N 407–530–014–101, –103 or 407–030–801–107, with tailboom assembly, P/N 407–030–801–201, –203, –205, or later dash numbers is terminating action for Bell ASB No. 407–07–80.

In ASB 407–01–48, Bell states that since issuing ASB 407–99–26, Revision C, dated February 28, 2002, they have received additional reports of cracks in the upper skins, which originated from holes where the fasteners are installed at the forward and aft section of the left upper stabilizer support, P/N 407–023–800–117. ASB 407–01–48 contains procedures for inspecting the tailboom on the left side where the fasteners are installed, installing an improved horizontal stabilizer assembly and re-identifying the tailboom, and assigning a 5,000-hour TIS life limit to the tailboom.

Proposed AD Requirements

This proposed AD addresses certain part-numbered tailbooms that were modified and reidentified as one new P/N. These same P/Ns are addressed by new inspection requirements. This proposed AD retains the requirements of the superseded AD for certain part-numbered tailbooms and establishes new requirements for certain other P/Ns, by requiring compliance with portions of the Bell ASBs as follows:

- For tailboom, P/Ns 407–030–801–101 and –105, which have not been modified, conduct daily preflight checks of the tailboom for a crack and repetitively inspect the tailboom for a crack. Within 600 hours TIS or 30 days, modify and re-identify these part-numbered tailbooms as P/N 407–530–014–101 or 407–530–014–103, and install an improved horizontal stabilizer assembly.
- For P/Ns 407–530–014–101 and –103 and P/N 407–030–801–107, revise the Airworthiness Limitations section of the maintenance manual by establishing a retirement life of 5,000 hours TIS, prepare the tailboom for daily visual checks and inspections, and inspect the tailboom for a crack. Thereafter, visually check the tailboom for a crack before the first flight of each day and repetitively inspect the tailboom for a crack every 100 hours TIS.
- For all P/Ns, if there is a crack, before further flight, replace the tailboom. If there is no crack, ensure both surfaces are dry and protect each reworked area with a thin coat of clear coating.
- An owner/operator (pilot) may perform the daily visual checks required by this proposed AD because these checks require no special tools and can be performed equally well by a pilot or a mechanic. This authorization is an exception to our standard maintenance regulations.

Differences Between This Proposed AD and the Transport Canada AD

This AD would not require you to contact the manufacturer. This AD does not state that replacing the affected tailboom with tailboom, P/N 407–030–801–201, –203, –205, or later numbers constitutes terminating action because installing other part-numbered tailbooms than those listed in the applicability of this AD may also result in terminating action for the requirements of this AD.

Costs of Compliance

We estimate that this proposed AD would affect about 464 helicopters of U.S. registry. We estimate that operators would incur the following costs in order to comply with this AD. We estimate the time for conducting pilot checks is minimal and thus we are assuming there is no cost. It would take about .5 work-

hour to perform the annotations in the helicopter records, 1.5 work hours to prepare the inspection area and do the magnification inspection, and 2.5 work hours to do the repetitive 100-hour TIS inspections at an average labor rate of $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators would be $1,445 per helicopter and $670,480 for the U.S. operator fleet to do the checks and inspections, based on 6 repetitive inspections the first year. The previous AD affected 284 helicopters, and we estimated 3.5 work hours to do the initial inspection, 1.5 work hours to do the recurring inspections, and 18 work hours to do the modification at an average labor rate of $60 per work hour. Required parts were estimated at $1,244 per helicopter. Based on these figures, the total cost of the AD on U.S. operators was estimated to be $3,254 per helicopter or $924,136, based on 8 repetitive inspections per year.

According to Bell, the cost of a new tailboom is $82,850. Per Bell ASB 407–07–80, the costs to replace the tailboom may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage by Bell. We have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2003–05–03 (68 FR 11967, March 13, 2003) and by adding the following new AD:

Bell Helicopter Textron Canada: Docket No. FAA–2013–0574; Directorate Identifier 2008–SW–22–AD.

(a) Applicability

This AD applies to Model 407 helicopters, serial numbers 53000 through 53475, with tailboom, part number (P/N) 407–030–801–101, –105, or –107, or 407–530–014–101 or –103, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as cracks in the tailboom skin on the left side in the area of horizontal stabilizer, which could result in separation of the tailboom and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2003–05–03, Amendment 39–13079 (68 FR 11967, March 13, 2003), which superseded AD 2000–06–10, Amendment 39–11651 (65 FR 16804, March 30, 2000).

(d) Comments Due Date

We must receive comments by September 10, 2013.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) For tailboom, P/Ns 407–030–801–101 and –105:

(i) Unmodified per Bell Alert Service Bulletin (ASB) 407–01–48, Revision C, dated August 27, 2007 (ASB 407–01–48):

(A) Before the first flight of each day, visually check the tailboom for a crack, as depicted in Figure 1 to paragraph (f)(1)(i)(A) of this AD.

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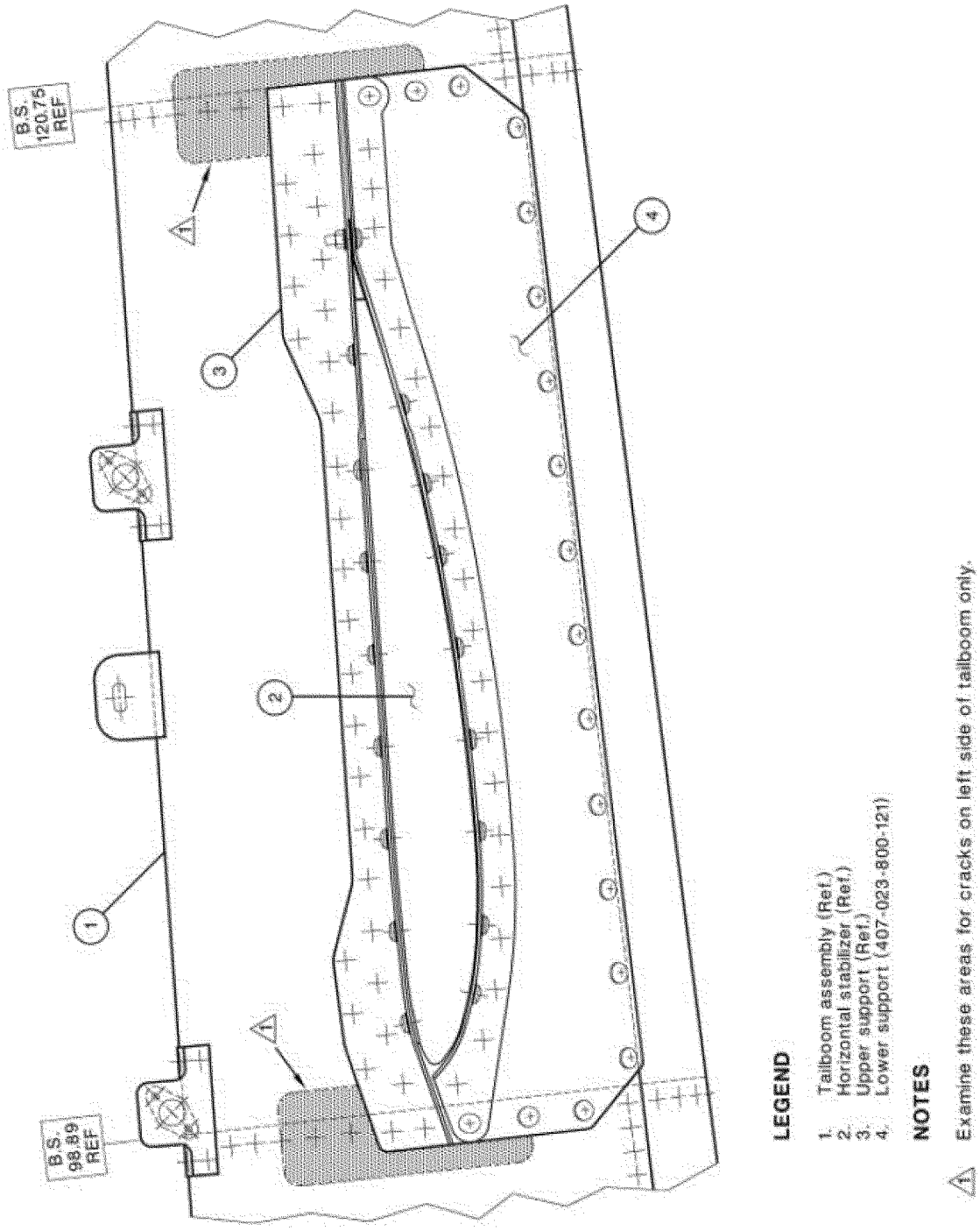

Figure 1 to Paragraph (f)(1)(i)(A)

BILLING CODE 4910–13–C

(B) For a tailboom with 600 or more hours time-in-service (TIS), within 25 hours TIS and thereafter at intervals not to exceed 50 hours TIS, visually inspect the tailboom for a crack using a 10X or higher magnifying glass by following the Accomplishment Instructions, Part II, of Bell ASB 407–99–26, Revision C, dated February 28, 2002, except this AD does not require you to contact Bell.

(ii) Within 600 hours TIS, but not later than 30 days:

(A) Modify and re-identify each tailboom, P/N 407–030–801–101 as 407–530–014–101, and P/N 407–030–801–105 as 407–530–014–103, by following the Accomplishment Instructions, Parts I and III, of ASB 407–01–48.

(B) Install improved horizontal stabilizer assembly, P/N 407–023–800–ALL, by following Bell Technical Bulletin No. 407–01–33, dated August 29, 2001, except this AD does not require you to contact Bell.

(2) For tailboom, P/Ns 407–530–014–101 and –103, and P/N 407–030–801–107:

(i) Before further flight after the tailboom is modified and re-identified, revise the Airworthiness Limitations section of the maintenance manual by establishing a retirement life of 5,000 hours TIS. Create a component history card or equivalent record and assign a life limit of 5,000 hours TIS by

following the Accomplishment Instructions, Part IV, of ASB 407–01–48.

(ii) Within 25 hours TIS or 30 days, whichever occurs first, prepare the tailboom for daily visual checks and recurring inspections and inspect the tailboom for a crack by following the Accomplishment Instructions, Part II, Steps 1.a) through 1.f), of Bell ASB 407–07–80, dated August 27, 2007 (ASB 407–07–80).

(iii) Thereafter, before the first flight of each day, clean the area on the tailboom where paint has been removed and visually check the tailboom for a crack as depicted in Figure 2 to Paragraph (f)(2)(iii) of this AD.

BILLING CODE 4910–13–P

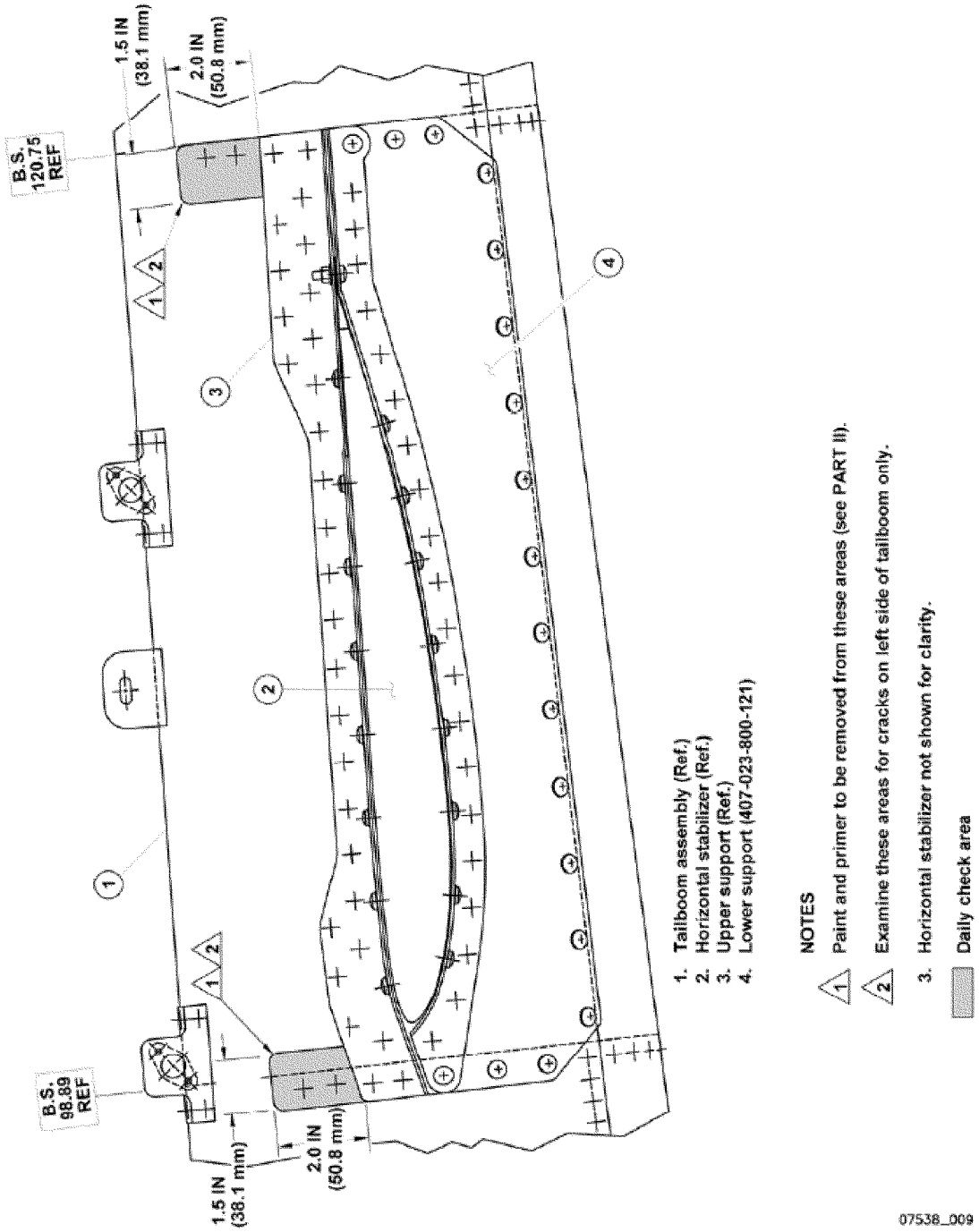

Figure 2 to Paragraph (f)(2)(iii)

BILLING CODE 4910–13–C

(iv) Within 100 hours TIS and thereafter at intervals not to exceed 100 hours TIS, using a 10× or higher power magnifying glass, inspect each tailboom for a loose rivet, a crack, skin corrosion, or any other damage, by following the Accomplishment Instructions, Part IV, Steps 1 through 6, of ASB 407–07–80, except this AD does not require you to contact Bell. If there is corrosion within an allowable tolerance, repair each area of corrosion.

(3) If there is a crack, before further flight, replace the tailboom.

(4) If there is no crack, make sure both of the inspection area surfaces are dry and protect each reworked area with a thin coat of clear coating.

(5) The actions required by paragraphs (f)(1)(i)(A) and (f)(2)(iii) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9 (a)(1)–(4) and 91.417(a)(2)(v). This record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Sharon Miles, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *sharon.y.miles@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in Transport Canada Civil Aviation (TCCA) AD No. CF–2008–04, dated January 11, 2008. You may view the TCCA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2013–0574.

(i) Subject

Joint Aircraft Service Component (JASC) Code is 5300: Rotorcraft Tail Boom, and 5302: Middle Section.

Issued in Fort Worth, Texas, on June 12, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–16727 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0466; Directorate Identifier 2012–NM–156–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2002–23–19, which applies to all Dassault Aviation Model Falcon 2000 series airplanes. That AD currently requires repetitive operational tests, repetitive measurements, and repetitive replacement of certain jackscrews. Since we issued that AD, the manufacturer revised the airplane maintenance manual (AMM) maintenance requirements and airworthiness limitations. This proposed AD would require revising the maintenance program to incorporate new or revised maintenance requirements and airworthiness limitations. We are proposing this AD to prevent reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by August 26, 2013.

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

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

For service information identified in this proposed AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–227–1137; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0466; Directorate Identifier 2012–NM–156–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On November 19, 2002, we issued AD 2002–23–19, Amendment 39–12963 (67 FR 71452, December 2, 2002), for all Dassault Aviation Model Falcon 2000 airplanes. (That AD superseded AD 99–14–07, Amendment 39–11218 (64 FR 36561, July 7, 1999)). AD 2002–23–19 requires repetitive operational tests of the flap asymmetry detection system, repetitive replacement of the inboard flap jackscrews, and repetitive measurement of the screw/nut play of the jackscrews on the inboard and outboard flaps.

Since we issued AD 2002–23–19, we have determined that existing maintenance requirements and airworthiness limitations are inadequate and additional inspections are necessary to address the identified unsafe condition. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0156, dated August 23, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The airworthiness limitations and maintenance requirements for the Falcon 2000 type design are included in Dassault Aviation Falcon 2000 (F2000) Aircraft Maintenance Manual (AMM) chapter 5–40 and are approved by the European Aviation Safety Agency (EASA). EASA issued AD 2008–0221 to require accomplishment of the maintenance tasks, and implementation of the airworthiness limitations, as specified in

Dassault Aviation F2000 AMM chapter 5–40 at revision 12.

Since that [EASA] AD was issued, Dassault Aviation have issued F2000 AMM chapter 5–40 at revision 17, which introduces new or more restrictive maintenance requirements and/or airworthiness limitations.

Dassault Aviation AMM chapter 5–40 revision 17 contains among other changes the following requirements:

—Inspection and test of horizontal stabilizer jackscrew;
—Operational test of voltage monitoring circuits;
—Upgrade of screwjack of flap actuators from the older to the latest -3 version;
—Revised Time Between Overhaul for screwjack of flap actuators -3 version;
—Revised interval for checking the screw/nut play on screwjack of flap actuators -3 version;
—Removal of service life limit for screwjack of flap actuators;
—Test of flap asymmetry protection system. Compliance with the flap asymmetry test is required by DGAC [Direction Générale de l'Aviation Civile] France AD F–1999–038–008(B)R1. F2000 AMM chapter 5–40 at revision 17 introduces extended inspection interval;
—Inspection procedures of fuselage and wings;
—Check of overpressure tightness on pressurization control regulating valves. Compliance with this check is required by EASA AD 2008–0072. F2000 AMM chapter 5–40 at revision 17 introduces extended inspection interval.

The maintenance tasks and airworthiness limitations, as specified in the F2000 AMM chapter 5–40, have been identified as mandatory actions for continued airworthiness of the F2000 type design. Failure to comply with AMM chapter 5–40 at revision 17 might constitute an unsafe condition.

* * * * *

The required action is revising the maintenance program to incorporate all airworthiness limitations and maintenance tasks specified in Chapter 5–40, Airworthiness Limitations, Revision 18, dated July 2012, of Chapter 5, Maintenance Planning Document, of the Dassault Falcon 2000 Maintenance Manual. You may obtain further information by examining the MCAI in the AD docket.

Explanation of Change to Applicability

We have revised the applicability of AD 2002–23–19 in this proposed AD to clarify that only Dassault Model Falcon 2000 airplanes are affected by this proposed AD and not Model Falcon 2000EX airplanes. The applicability of AD 2002–23–19 states that the AD is applicable to Dassault Model Falcon 2000 series airplanes, which includes Model Falcon 2000EX airplanes, but it was not the FAA's intent to include Model Falcon 2000EX airplanes in the applicability of that AD.

Change to Existing AD (67 FR 71452, December 2, 2002)

This proposed AD would retain all requirements of AD 2002–23–19. Since AD 2002–23–19 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS

Requirement in AD 2002–23–19, Amendment 39–12963 (67 FR 71452, December 2, 2002)	Corresponding requirement in this proposed AD
paragraph (a)	paragraph (g)
paragraph (b)	paragraph (h)(1)
paragraph (c)	paragraph (h)(2)
paragraph (d)	paragraph (h)(3)
paragraph (e)	paragraph (h)(4)
paragraph (f)	paragraph (i)(1)
paragraph (g)	paragraph (i)(2)
paragraph (h)	paragraph (i)(3)

Relevant Service Information

Dassault has issued Chapter 5–40, Airworthiness Limitations, Revision 18, dated July 2012, of Chapter 5, Maintenance Planning Document, of the Dassualt Falcon 2000 Maintenance Manual. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (m) of this proposed AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 229 products of U.S. registry.

The actions that are required by AD 2002–23–19, and retained in this proposed AD, take about 17 work-hours per product, per test/replacement cycle, at an average labor rate of $85 per work hour. Required parts cost about $21,680 per product, per replacement cycle. Based on these figures, the estimated cost of the currently required actions is $23,125 per product, per test/replacement cycle.

We estimate that it would take about 1 work-hour per product to comply with the new basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $19,465, or $85 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2002–23–19, Amendment 39–12963 (67 FR 71452, December 2, 2002), and adding the following new AD:

Dassault Aviation: Docket No. FAA–2013–0466; Directorate Identifier 2012–NM–156–AD.

(a) Comments Due Date

We must receive comments by August 26, 2013.

(b) Affected ADs

This AD supersedes AD 2002–23–19, Amendment 39–12963 (67 FR 71452, December 2, 2002). Certain requirements of this AD terminate certain requirements of AD 2010–26–05, Amendment 39–16544 (75 FR 79952).

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 2000 airplanes, certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time limits and maintenance checks.

(e) Reason

This AD was prompted by manufacturer revisions to the airplane maintenance manual (AMM) that introduces new or more restrictive maintenance requirements and airworthiness limitations. We are issuing this AD to prevent reduced controllability of the airplane.

(f) Compliance

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

(g) Retained Requirement: Repetitive Operational Test

This paragraph restates the requirements of paragraph (a) of AD 2002–23–19, Amendment 39–12963 (67 FR 71452, December 2, 2002), with revised repair approval. Within 5 flight cycles after August 11, 1999 (the effective date of AD 99–14–07, Amendment 39–11218 (64 FR 36561, July 7, 1999)): Perform an operational test of the flap asymmetry detection system to ensure that the system is functioning correctly, in accordance with the procedures specified in Dassault Falcon 2000 Airplane Maintenance Manual (AMM) 27–502, dated November 1995. Prior to further flight, repair any discrepancy detected, in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; the Direction Générale de l'Aviation Civile (or its delegated agent); or the European Aviation Safety Agency (EASA) (or its delegated agent). Repeat the operational test thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first, until the maintenance program revision required by paragraph (j) of this AD is accomplished.

(h) Retained Requirement: Repetitive Replacement

This paragraph restates the requirements of paragraphs (b), (c), (d), and (e) of AD 2002–23–19, Amendment 39–12963 (67 FR 71452, December 2, 2002), with terminating action.

(1) Prior to the accumulation of 1,000 total flight cycles on the inboard jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after August 11, 1999 (the effective date of AD 99–14–07, Amendment 39–11218 (64 FR 36561, July 7, 1999)), whichever occurs later: Replace each jackscrew having part number (P/N) 5318–1 or 5318–1 Amdt A, which is located on the inboard flap in the inboard position, in accordance with Dassault Falcon 2000 AMM 27–510, dated November 1995. The replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (h)(2) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 or 5318–1 Amdt A thereafter at intervals not to exceed 1,000 flight cycles on the jackscrew located on the inboard flap in the inboard position, until the maintenance program revision required by paragraph (j) of this AD is accomplished.

(2) A jackscrew having P/N 5318–1 and located on the inboard flap in the inboard position may be replaced by a reconditioned jackscrew having P/N 5318–1 Amdt A, provided that all of the conditions specified in paragraphs (h)(1) and (h)(2) of this AD are met.

(i) The jackscrew has been reconditioned and reidentified as P/N 5318–1 Amdt A, in accordance with Dassault Service Bulletin AVIAC 5318–27–01, dated September 16, 1999.

(ii) The jackscrew has been reconditioned only one time.

(3) Prior to the accumulation of 2,200 total flight cycles on the middle jackscrew located on the inboard flap and in the outboard position, or within 25 flight cycles after August 11, 1999 (the effective date of AD 99–14–07, Amendment 39–11218 (64 FR 36561, July 7, 1999)), whichever occurs later: Replace each jackscrew having P/N 5318–1 or 5318–1 Amdt A on the inboard flap and in the outboard position, in accordance with Dassault Falcon 2000 AMM 27–510, dated November 1995. The replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (h)(4) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 or 5318–1 Amdt A thereafter at intervals not to exceed 2,200 flight cycles on the jackscrew located on the inboard flap and in the outboard position, until the maintenance program revision required by paragraph (j) of this AD is accomplished.

(4) A jackscrew having P/N 5318–1 and located on the inboard flap and in the outboard position may be replaced by a reconditioned jackscrew having P/N 5318–1 Amdt A, provided that all of the conditions specified in paragraphs (h)(4)(i) and (h)(4)(ii) of this AD are met.

(i) The jackscrew has been reconditioned and reidentified as P/N 5318–1 Amdt A, in accordance with Dassault Service Bulletin AVIAC 5318–27–01, dated September 16, 1999.

(ii) The jackscrew has been reconditioned only one time.

(i) Retained Requirement: Repetitive Measurements

This paragraph restates the requirements of paragraphs (f), (g), and (h) of AD 2002–23–19, Amendment 39–12963 (67 FR 71452, December 2, 2002), with terminating action added.

(1) Prior to the accumulation of 1,000 total flight cycles on the outboard jackscrews located on the outboard flaps, or within 25 flight cycles after August 11, 199 (the effective date of AD 99–14–07, Amendment 39–11218 (64 FR 36561, July 7, 1999)), whichever occurs later: Measure the screw/nut play of the jackscrews having P/N 1–5319–1 or 1–5319–1 Amdt A (on the left wing) and P/N 2–5319–1 or 2–5319–1 Amdt A (on the right wing) on the outboard flaps, in accordance with the procedures specified in Dassault Falcon 2000 AMM Temporary Revision (TR) 27–504, dated October 1998. Repeat the measurement as specified in paragraph (i)(1) of this AD until the maintenance program revision required by paragraph (j) of this AD is accomplished.

Note 1 to paragraph (i)(1) of this AD: Jackscrews having P/N 1–5319–1 or 2–5319–1 may be reconditioned in accordance with Dassault Service Bulletin AVIAC 5319–27–01, dated September 16, 1999. These jackscrews may be reconditioned and reused more than one time.

(i) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurement thereafter at intervals not to exceed 330 flight

hours or 7 months, whichever occurs first. If any repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (i)(1)(ii) of this AD.

(ii) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (i)(1)(ii)(A) and (i)(1)(ii)(B) of this AD.

(A) Prior to further flight, replace the jackscrew with a new or reconditioned jackscrew, in accordance with Dassault Falcon 2000 AMM 27–510, dated November 1995.

(B) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew, perform a follow-on measurement of the screw/nut play, in accordance with the procedures specified in Dassault Falcon 2000 AMM TR 27–504, dated October 1998.

(C) If any follow-on measurement required by paragraph (i)(1)(ii)(B) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (i)(1) of this AD. If any follow-on measurement required by paragraph (i)(1)(ii)(B) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (i)(1)(ii)(A) and (i)(1)(ii)(B) of this AD.

(2) Prior to the accumulation of 750 total flight cycles on the jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1 or 1–5318–1 Amdt A, which is located on the inboard flap in the inboard position, to detect discrepancies, in accordance with the procedures specified in Dassault Falcon 2000 AMM TR 27–504, dated October 1998. If the measurement is greater than 0.014 inch, prior to further flight, replace the discrepant jackscrew with a new or reconditioned jackscrew, in accordance with Dassault Falcon 2000 AMM 27–510, dated November 1995.

(3) Prior to the accumulation of 1,000 total flight cycles on the jackscrew located on the inboard flap in the outboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1 or 5318–1 Amdt A, which is located on the inboard flap in the outboard position, in accordance with the procedures specified in Dassault Falcon 2000 AMM TR 27–504, dated October 1998.

(i) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurements thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. If repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (i)(3)(ii)(B) of this AD.

(ii) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (i)(3)(ii)(A) and (i)(3)(ii)(B) of this AD.

(A) Prior to further flight, replace the jackscrew with a new or reconditioned jackscrew, in accordance with Dassault Falcon 2000 AMM 27–510, dated November 1995.

(B) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew, perform a follow-on measurement of the screw/nut play, in accordance with the procedures specified in Dassault Falcon 2000 AMM TR 27–504, dated October 1998.

(C) If any follow-on measurement required by paragraph (i)(3)(ii)(B) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (i)(3)(i) of this AD. If any follow-on measurement required by paragraph (i)(3)(ii)(B) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (i)(3)(ii)(A) and (i)(3)(ii)(B) of this AD.

(j) New Requirement of This AD: Revision of the Maintenance Program

Within 30 days after the effective date of this AD, revise the maintenance program to incorporate the information specified in Chapter 5–40, Airworthiness Limitations, Revision 18, dated July 2012, of Chapter 5, Maintenance Planning Document, of the Dassault Falcon 2000 Maintenance Manual. The initial compliance time for the tasks are at the applicable times specified in Chapter 5–40, Airworthiness Limitations, Revision 18, dated July 2012, of Chapter 5, Maintenance Planning Document, of the Dassault Falcon 2000 Maintenance Manual, or within 30 days after the effective date of this AD, whichever occurs later. Accomplishing the requirements of this paragraph terminates the applicable requirements of paragraphs (g), (h), and (i) of this AD. Clarification of compliance time terminology used in the tables in the service information is provided in paragraphs (j)(1) through (j)(5) of this AD.

(1) The term ''landings'' in the ''First Inspection'' column of any table in the service information specified in paragraph (j) of this AD means total airplane landings.

(2) The term ''flight hours'' in the ''First Inspection'' column of any table in the service information specified in paragraph (j) of this AD means total flight hours.

(3) The term ''flight cycles'' in the ''First Inspection'' column of any table in the service information specified in paragraph (j) of this AD means total flight cycles.

(4) For Task 30–11–09–350–801 30–103 identified in the service information specified in paragraph (j) of this AD, the initial compliance time is prior to the accumulation of 2,400 total flight hours or 2,000 total flight cycles, or within 2,400 flight hours or 2,000 flight cycles after the effective date of this AD, whichever occurs first; or within 30 days after the effective date of this AD; whichever occurs later.

(5) For Task 52–20–00–610–801–01 52–205 identified in the service information specified in paragraph (j) of this AD, the initial compliance time is 24 months after the effective date of this AD.

(6) The limited service life of part number F2MA721512100 is 3,750 total flight cycles on the part or 6 years since the manufacturing date of the part, whichever occurs first.

(k) Terminating Action for a Certain AD

Accomplishment of the actions required by paragraph (j) of this AD terminates the requirements of paragraph (g) of AD 2010–26–05, Amendment 39–16544 (75 FR 79952, December 21, 2010), for all Dassault Aviation Model FALCON 2000 airplanes.

(l) No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (j) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance in accordance with the procedures specified in paragraph (m)(1) of this AD.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1137; fax 425–227–1137. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(n) Related Information

(1) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2012–0156, dated August 23, 2012; and Chapter 5–40, Airworthiness Limitations, Revision 18, dated July 2012, of Chapter 5, Maintenance Planning Document, of the Dassault Falcon 2000 Maintenance Manual; for related information.

(2) For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on June 14, 2013.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–15952 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0603; Directorate Identifier 2009–SW–079–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain serial-numbered Bell Helicopter Textron Canada Limited (BHTC) Model 206L, 206L–1, 206L–3, and 206L–4 helicopters with a certain tailboom upper left attachment fitting (fitting). This proposed AD would require inspecting the fitting for a crack and other conditions. This proposed AD is prompted by the manufacturer revising and extending the 100 hour time-in-service (TIS) inspection requirements for the fitting. The proposed actions are intended to detect a crack, loose rivet, corrosion, or any other damage, which could lead to loss of the tailboom and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by September 10, 2013.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

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

For service information identified in this proposed AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272, or at *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aerospace Engineer, FAA, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5110; email: *sharon.y.miles@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

Transport Canada (TC), which is the aviation authority for Canada, has issued AD No. CF–2009–41, dated November 16, 2009 (AD CF–2009–41), to correct an unsafe condition for BHTC Model 206L series helicopters, specifically: Model 206L, serial number (S/N) 45004 through 45153, and 46601 through 46617; Model 206L–1, S/N 45154 through 45790; Model 206L–3, S/N 51001 through 51612; and Model 206L–4, all S/Ns. TC AD No. CF–2009–41 was prompted by a new airworthiness limitation for the fitting that requires an inspection of fitting part number 203–032–409–001 at each 100-hour or annual inspection. The TC AD requires inspecting the fitting, and replacing or repairing it if necessary, in accordance with the Accomplishment Instructions of BHTC Alert Service Bulletin (ASB) 206L–09–158, Revision A, dated August 31, 2009 (ASB 206L–09–158 Revision A). TC further states that incorporating this inspection into the applicable maintenance manual revision constitutes terminating action to TC AD No. CF–2009–41. The actions in TC AD No. CF–2009–41 are intended to detect a crack in a tailboom attachment fitting, which could result in loss of the tailboom and subsequent loss of control of the helicopter.

FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, TC, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

We reviewed ASB 206L–09–158 Revision A for certain serial-numbered Model 206L, L–1, L–3, and L–4 helicopters with certain tailboom assemblies installed. That ASB requires an inspection of the fitting for a crack, loose rivets, corrosion, and damage at each 100-hour or annual inspection. If there is a crack, the ASB specifies replacing the fitting with an airworthy fitting. If there is a loose rivet, the ASB specifies replacing the rivet with an airworthy rivet. If the fitting has corrosion or mechanical damage, the ASB specifies determining if the corrosion or mechanical damage is within acceptable limits. If the corrosion

or mechanical damage is within acceptable limits, the ASB specifies repairing the damage in accordance with the instructions contained in the ASB. If the damage is not within acceptable limits, the ASB specifies replacing the fitting with an airworthy fitting. TC classified this ASB as mandatory and issued AD No. CF–2009–41 to ensure the continued airworthiness of these helicopters.

Since that time, BHTC has issued ASB 206L–09–158, Revision B, dated June 1, 2011, for all Model 206L series helicopters. Revision B of the ASB changes the recurring inspection interval from every 100 flight hours to every 110 flight-hours.

Proposed AD Requirements

This proposed AD would require, within 100 hours TIS and thereafter at intervals not exceeding 110 hours TIS, inspecting the upper left tailboom attachment fitting for a crack, corrosion, damage, or a loose rivet. If there is a crack or corrosion or damage beyond acceptable limits, this proposed AD would require replacing the upper left tailboom attachment fitting with an airworthy fitting. If there is corrosion or damage within acceptable limits, this proposed AD would require repairing the fitting. If there is a loose rivet, this proposed AD would require replacing the loose rivet.

Differences Between This Proposed AD and the Transport Canada AD

The Transport Canada AD requires a recurring inspection every 100 hours, while this proposed AD would require the inspection at intervals not to exceed 110 hours to align with the Bell ASB.

Costs of Compliance

We estimate that this proposed AD would affect 783 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. At an average labor rate of $85 per hour, inspecting the fitting will require about 1 work hour, for a cost per helicopter of $85 and a total cost to U.S. operators of $66,555 per inspection cycle.

We estimate the following costs to do any necessary repairs or replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these repairs or replacements. Repairing a damaged fitting would require about 8 work-hours and required parts would cost about $10, for a cost per helicopter of $690. Replacing a fitting which is damaged beyond the allowable repair limits would require about 8 work-hours and required parts would cost about $793, for a cost per helicopter of $1,473. Replacing a loose rivet would require about 1 work-hour, and required parts would cost about $1, for a cost per helicopter of $86.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Bell Helicopter Textron Canada (BHTC): Docket No. FAA–2013–0603; Directorate Identifier 2009–SW–79–AD.

(a) Applicability

This AD applies to BHTC Model 206L, Model 206L–1, Model 206L–3, and Model 206L–4 helicopters, with an upper left attachment fitting part number 206–032–409–001 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a tailboom attachment fitting, which could result in loss of the tailboom and subsequent loss of control of the helicopter.

(c) Comments Due Date

We must receive comments by September 10, 2013.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) At the next 100-hour inspection, and thereafter at intervals not to exceed 110 hours time-in-service, inspect each tailboom upper left attachment fitting (fitting) for a crack, a loose rivet, corrosion, or damage as depicted in Figure 2 of BHTC Alert Service Bulletin 206L–09–158, Revision B, dated June 1, 2011 (ASB 206L–09–158).

(2) If there is a crack, corrosion, or damage beyond the acceptable limits of Figure 2 of ASB 206L–09–158, before further flight, replace the fitting with an airworthy fitting.

(3) If there is corrosion or damage within the acceptable limits of Figure 2 of ASB 206L–09–158, before further flight, repair the fitting as described in the Accomplishment Instructions, Part I, paragraphs 5.b.(1) through 5.b.(6), of ASB 206L–09–158.

(4) If there is a loose rivet, before further flight, replace the loose rivet with an airworthy rivet.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Sharon Miles, Aerospace Engineer, FAA, Regulations and

Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5122; fax: (817) 222–5961; email: *sharon.y.miles@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

(1) The subject of this AD is addressed in Transport Canada Civil Aviation (TCCA) AD No. CF–2009–41, dated November 16, 2009. You may view the TCCA AD at *http://www.regulations.gov* in Docket No. FAA–2013–0603.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 5302: Rotorcraft Tailboom.

Issued in Fort Worth, Texas, on July 1, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–16695 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0604; Directorate Identifier 2012–SW–110–AD]

RIN 2120–AA64

Airworthiness Directives; AgustaWestland S.p.A. (Type Certificate Previously Held by Agusta S.p.A.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain AgustaWestland S.p.A. (Agusta) Model AB139 and AW139 helicopters. This proposed AD would require inspecting the nose landing gear (NLG) pin installations for incorrect assembly. This proposed AD is prompted by reports of incorrectly installed pins discovered on in-service aircraft. The proposed actions are intended to detect incorrectly installed pins, which could result in collapse of the NLG during taxi or landing.

DATES: We must receive comments on this proposed AD by September 10, 2013.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

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

For service information identified in this proposed AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39–0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5328; email *robert.grant@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2012–0262, dated December 14, 2012 (EASA AD 2012–0262), to correct an unsafe condition for the Agusta Model AB139 and AW139 helicopters. EASA advises that incorrectly installed NLG pins, part number 1661–0001, were discovered on several aircraft. Incorrectly installed pins create a pre-stress condition on the pin flange. According to EASA, a subsequent technical investigation by Agusta concluded that the incorrect installation could be present on a number of other helicopters. EASA states that this condition could lead to NLG structural failure and consequent collapse during landing or taxi, resulting in damage to the helicopter and injury to the occupants. EASA AD 2012–0262 requires inspecting the NLG pin installation on both the left and right arms to determine if the pin, washers, and nuts are correctly installed and, depending on findings, inspecting the bolts, nuts, and pins for corrosion, and also inspecting the pins for surface cracks, and correctly installing the pins.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

Agusta has issued Bollettino Tecnico No. 139–306, dated December 12, 2012 (BT 139–306), for Model AB139 and AW139 helicopters. BT 139–306 describes procedures to inspect for correct installation of the bolts, nuts, washers, and pins, inspecting the bolt head and nut for corrosion, and inspecting the pins for surface cracks.

Proposed AD Requirements

This proposed AD would require, within 50 hours time in service (TIS), inspecting the pin installations in the left and right arms for correct installation of the pin, bolts, washers, and nuts.

- If the installation is not correct, this proposed AD would require:
  - Inspecting the bolt and nut for corrosion. If there is any corrosion, removing the bolt and nut from service.
  - Inspecting the pin for corrosion, a crack, and damage. If there is any corrosion, removing the corrosion and measuring the pin diameter. If the pin diameter is less than 25.36 mm (.998 in) or if there is a crack in the pin, removing the pin from service.
  - Dye penetrant inspecting the pin flange for surface cracks. If there is a surface crack, removing the pin from service.
- If the installation is correct, inspecting the bolt head and nut for corrosion would be required. If there is any corrosion, removing the bolt or nut from service would be required.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires compliance within 50 flight hours or 1 month, while this proposed AD requires compliance within 50 hours TIS.

Costs of Compliance

We estimate that this proposed AD would affect 102 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. At an average labor rate of $85 per hour, inspecting the nose landing gear arm pins would require about 1 work hour, for a cost per helicopter of $85 and a total cost to U.S. operators of $8,670. If required, replacing a pin would require about 1 work hour, and required parts cost $1,680, for a cost per helicopter of $1,765. The cost to replace a bolt or nut is minimal.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

AgustaWestland S.p.A. (Type Certificate Formerly Held By Agusta S.p.A.) Helicopters: Docket No. FAA–2013–0604; Directorate Identifier 2012–SW–110–AD.

(a) Applicability

This AD applies to AgustaWestland S.p.A. (Agusta) Model AB139 and AW139 helicopters, serial number 31005, 31006, 31008 through 31157, 31201 through 31398, 31400 through 31412, 31414, 31416, 31418, 31419, 31421, 31425, 31426, 31428, 31432, 31440, 41001 through 41023, 41201 through 41275, 41277 through 41286, 41288, 41293, 41300, 41301, 41303, 41307, 41308, and 41310, with a nose landing gear (NLG) pin part number (P/N) 1661–0001 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as an incorrect installation of a NLG pin, which could result in collapse of the NLG during taxi or landing.

(c) Comments Due Date

We must receive comments by September 10, 2013.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Within 50 hours time-in-service:

(1) Inspect the NLG pin installations on the left and right arms to determine whether the bolt (item 2), washer (item 3) under the bolt head, washer (item 4) between the NLG arm and pin, pin (item 5), washer (item 6) under the nut, nut (item 7), and cotter pin (item 8) are installed as depicted in Figure 1 of Agusta Bollettino Tecnico (BT) No. 139–306, dated December 12, 2012 (BT 139–306).

(2) If any part is not installed as depicted in Figure 1 of BT 139–306, before further flight, disassemble items 2 through 8 and accomplish the following:

(i) Inspect each bolt and nut for corrosion. If there is any corrosion on a bolt or nut, remove the bolt and nut from service.

(ii) Inspect each pin for corrosion and damage. If there is any corrosion or damage:

(A) Remove the corrosion and damage with an abrasive stone or glass fiber brush.

(B) Measure the pin diameter. If the pin diameter is less than 25.36 mm (0.998 inch), remove the pin from service.

(iii) Inspect each pin for a crack. If there is a crack, remove the pin from service.

(iv) Dye penetrant inspect the pin flange for a crack. If there is a crack, remove the pin from service.

(3) If items 2 through 8 are installed as depicted in Figure 1 of BT 139–306, inspect each bolt head and nut for corrosion. If there is any corrosion on a bolt head or nut, before further flight, remove the bolt or nut from service.

(f) Special Flight Permit

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5328; email *robert.grant@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) The Aircraft Maintenance Plan, DM No. 39–A–60–40–00–01A–351A–D, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39–0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency AD No. 2012–0262, dated December 14, 2012, which you may view in the AD Docket on the Internet at *http://www.regulations.gov.*

(i) Subject

Joint Aircraft Service Component (JASC) Code: 3221: Nose Landing Gear Attach Section.

Issued in Fort Worth, Texas, on July 3, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–16694 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0275; Airspace Docket No. 13–AGL–15]

Proposed Amendment of Class E Airspace; Mandan, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Mandan, ND. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAP) at Mandan Municipal Airport (AAF). The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport. Geographic coordinates would also be updated.

DATES: Comments must be received on or before August 26, 2013.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2013–0275/Airspace Docket No. 13–AGL–15, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321–7716.

SUPPLEMENTARY INFORMATION:

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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2013–0275/Airspace Docket No. 13–AGL–15.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

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 ''**ADDRESSES**'' section for 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 office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by amending Class E airspace extending upward from 1,200 feet above the surface to accommodate new standard instrument approach procedures at Mandan Municipal Airport, Mandan, ND. Airspace would be added within a 30-mile radius of the final approach fix for the new RNAV (GPS) RWY 31 instrument approach procedure to provide adequate controlled airspace for the safety and management of IFR operations at the airport. Geographic coordinates would also be updated to coincide with the FAA's aeronautical database.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9W, dated August 8, 2012 and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the 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. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant

rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace at Mandan Municipal Airport, Mandan, ND.

Environmental Review

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

In consideration of the foregoing, 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 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 FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, is amended as follows:

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

* * * * *

AGL ND E5 Mandan, ND [Amended]

Mandan Municipal Airport, ND
(Lat. 46°46′05″ N., long. 100°53′40″ W.)

That airspace extending upward from 700 feet above the surface within a 9.6-mile radius of Mandan Municipal Airport, and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of lat. 46°35′58″ N., long. 100°43′26″ W.

Issued in Fort Worth, TX on July 8, 2013.

David P. Medina,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2013–16439 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2013–0008: Notice No. 139]

RIN 1513–AC02

Proposed Establishment of the Upper Hiwassee Highlands Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 692-square mile ''Upper Hiwassee Highlands'' viticultural area in Cherokee and Clay Counties, North Carolina, and Towns, Union, and Fannin Counties, Georgia. The proposed viticultural area does not lie within or contain any other established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by September 10, 2013.

ADDRESSES: Please send your comments on this notice to one of the following addresses (please note that TTB has a new address for comments submitted by U.S. mail):

- *Internet: http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2013–0008 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand Delivery/Courier In Lieu of Mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing.

You may view copies of this notice, selected supporting materials, and any comments that TTB receives about this proposal at *http://www.regulations.gov* within Docket No. TTB–2013–0008. A link to that docket is posted on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 139. You also may view copies of this notice, all related petitions, maps, and other supporting materials, and any comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. Please call 202–453–2270 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01 (Revised), dated January 21, 2003, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine

advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas and lists the approved American viticultural areas.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and a name and a delineated boundary as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of American viticultural areas. Petitions to establish a viticultural area must include the following:

- Evidence that the area within the proposed viticultural area boundary is nationally or locally known by the viticultural area name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed viticultural area;
- A narrative description of the features of the proposed viticultural area that affect viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed viticultural area distinctive and distinguish it from adjacent areas outside the proposed viticultural area boundary;
- A copy of the appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed viticultural area, with the boundary of the proposed viticultural area clearly drawn thereon; and
- A detailed narrative description of the proposed viticultural area boundary based on USGS map markings.

Upper Hiwassee Highlands Petition

TTB received a petition from Eric Carlson, owner of Calaboose Cellars, on behalf of himself and members of the Vineyard and Winery Operators of the Upper Hiwassee River Basin group, proposing the establishment of the approximately 690-square mile ''Upper Hiwassee Highlands'' American viticultural area. The proposed viticultural area is located in portions of Cherokee and Clay Counties, North Carolina, and Towns, Union, and Fannin Counties, Georgia. The petition states that 26 commercial vineyards are located throughout the proposed viticultural area, growing approximately 54 acres of French-American hybrids, American grape varieties, and *Vitis vinifera.* According to the petition, present vineyard operators estimate they will expand their plantings by an additional 75.5 acres within the next 5 years. Two new vineyards are also in the planning stages and are expected to add an additional 16 acres to the total acreage by the end of 2013. Five wineries operate within the proposed viticultural area, and 4 additional wineries are in the planning stages and expected to open by 2014.

According to the petition, the distinguishing features of the proposed Upper Hiwassee Highlands viticultural area include topography, temperature, and soils. Unless otherwise noted, all information and data pertaining to the proposed viticultural area contained in this document are from the petition for the proposed Upper Hiwassee Highlands viticultural area and its supporting exhibits.

Name Evidence

The proposed Upper Hiwassee Highlands viticultural area is located in the southern Appalachian Mountains in portions of southwestern North Carolina and northwestern Georgia. According to the petition, ''highland'' and ''highlands'' are traditional terms used to describe the high, rugged, regions of the southern portion of the Appalachians and are terms used by businesses and organizations within the proposed viticultural area. For example, the Southern Highland Craft Guild sponsors juried memberships to craftspeople in counties within the Appalachian Mountain areas of nine States, including all five counties within the proposed Upper Hiwassee Highlands viticultural area. The Southern Highlands Attractions organization hosts a Web page featuring travel attractions in the Appalachian regions of Virginia, Tennessee, North Carolina, and Georgia and includes locations within the proposed viticultural area (see *www.southernhighlands.org*). Additionally, an Internet search by TTB found the Blue Ridge Highlander online magazine and travel guide, which features events and entertainment venues within the Blue Ridge Mountain region, including the annual Taste of the Southern Highlands event in Hiawassee, Georgia, which is located within the proposed viticultural area (see *www.blueridgehighlander.com.*)

Because the word ''highlands'' applies to a very broad region of the Appalachian Mountains, the petitioner chose to add the term ''Upper Hiwassee'' to the name of the proposed viticultural area to distinguish it geographically from the larger Appalachian region. The term ''Upper Hiwassee'' refers to the proposed viticultural area's location along the upper portions of the Hiwassee River, from the river's headwaters in Towns County, Georgia, to the Hiwassee Dam on Hiwassee Lake in Cherokee County, North Carolina. The portion of the river that flows north of the dam, outside the proposed viticultural area, is often referred to as the ''lower'' river.

The name ''Hiwassee'' and its variant ''Hiawassee'' are used throughout the region of the proposed viticultural area. The town of Hiawassee, Georgia, is located within the proposed viticultural area in Towns County and is near the headwaters of the Hiwassee River. The Hiwassee River Watershed Coalition is a nonprofit organization whose mission is to facilitate water quality in streams and lakes ''throughout the upper Hiwassee River watershed within Cherokee and Clay counties in North Carolina and Towns and Union counties in north Georgia.'' (See *www.hrwc.net*). The Hiwassee River Basin Directory is an online source of news and information for southwestern North Carolina, northwestern Georgia, southeastern Tennessee, including the region within the proposed Upper Hiwassee Highlands viticultural area (see *www.hiwassee.us*). The Hiwassee River Valley Kennel Club is located in Murphy, North Carolina, within the proposed viticultural area. Finally, a search by TTB of the USGS's Geographical Names Information System (GNIS; *http://geonames.usgs.gov/index.html*) found 13 locations and populated places within the proposed viticultural area that use the name ''Hiwassee,'' including a church and a mountain ridge in Towns County, Georgia, and a

school, fire department, dam, and cemetery in Cherokee County, North Carolina.

Boundary Evidence

The proposed Upper Hiwassee Highlands viticultural area is a broad basin surrounded by high mountains. The Hiwassee River flows in a northwesterly direction through the proposed viticultural area, and the proposed boundary approximates the boundary of the watershed for the upper portion of the river.

The northern, eastern, and southern portions of the proposed boundary follow the 2,400-foot elevation contour line, which was chosen because the highest vineyards within the proposed viticultural area are planted at elevations between 2,000 and 2,400 feet; above 2,400 feet, the climate and terrain is generally too steep and cold for commercial viticulture. The 2,400-foot elevation contour line also separates the lower elevations of the upper Hiwassee River watershed from the higher elevations of the Unicoi and Snowbird Mountains to the north, the Tusquitee and Nantahala Mountains to the east, and the Blue Ridge Mountains to the south.

The western portion of the proposed boundary follows the boundary between Union and Fannin Counties, in Georgia, and a series of roads and straight lines drawn between points on the USGS maps. The proposed western boundary separates the upper Hiwassee River watershed of the proposed viticultural area from the Ocoee River watershed, as well as from the watershed for the lower portion of the Hiwassee River.

Distinguishing Features

The distinguishing features of the proposed Upper Hiwassee Highlands viticultural area include topography, temperature, and soils.

Topography

As previously noted, the proposed Upper Hiwassee Highlands viticultural area is a broad basin that encompasses the watershed for the upper portion of the Hiwassee River. The Hiwassee River has its headwaters in the southeast portion of the proposed viticultural area, near the town of Hiawassee, Georgia. The river flows northwesterly, exiting the proposed viticultural area at the Hiwassee Dam before continuing into Tennessee, where it joins with the Ocoee River and, eventually, the Tennessee River. Within the basin of the proposed viticultural area are mountains interspersed with broad valleys. The largest of these valleys runs southwest to northeast between the towns of Martins Creek and Andrews, North Carolina, along a geological feature known as the Murphy Belt Sequence. Most of the vineyards within the proposed viticultural area are planted in the valleys or on the gentle slopes of the lower elevations of the mountains.

The proposed Upper Hiwassee Highlands viticultural area is bordered to the north, east, and south by higher, steeper mountains interspersed with narrow, deeply incised gorges. To the west, below the Hiwassee Dam, are a series of lower ridges, mountains, and deep, narrow river gorges that form the watershed for the Ocoee River and the lower portion of the Hiwassee River. The table below compares the mean elevation within the proposed viticultural area to the elevations of the surrounding regions.

TABLE 1—COMPARISON OF ELEVATION

Region	Direction from the proposed viticultural area	Mean elevation (feet)
Proposed Upper Hiwassee Highlands viticultural area	N/A	1,974
Unicoi and Snowbird Mountains	North	3,303
Valley River and Tusquitee and Nantahala Mountains	East	3,335
Blue Ridge Mountains	South	2,898
Ocoee River and lower Hiwassee River watersheds	West	1,849

In addition to having lower elevations than most of the surrounding regions, the proposed Upper Hiwassee Highlands viticultural area also has significantly shallower slope angles. According to the slope angle analysis included in the petition, approximately 70 percent of the slopes within the proposed viticultural area have angles between 0 and 15 degrees, which is level enough to prevent erosion and gentle enough for safe and convenient manual and mechanical cultivation. Only 16 percent of the slopes within the proposed viticultural area have slope angles greater than 20 percent. Slope angles greater than 20 degrees are unsafe for mechanical cultivation and make even manual vineyard work difficult.

To the north of the proposed viticultural area, within the Unicoi and Snowbird Mountains, only 20 percent of the slopes are less than or equal to 15 degrees, and 62 percent are at angles greater than 20 degrees. To the east, within the Valley River and the Tusquitee and Nantahala Mountains, only 23 percent of the slopes have angles less than or equal to 15 degrees, and 58 percent of the slopes have angles greater than 20 degrees. To the south, within the Blue Ridge Mountains, 30 percent of the slopes have angles less than or equal to 15 degrees, and 47 percent of the slopes are over 20 degrees. To the west, in the watersheds of the Ocoee River and lower Hiwassee River, 63 percent of the slope angles are less than or equal to 15 degrees, and 21 percent of the slopes have angles greater than 20 degrees.

The gentle mountain slopes and broad valleys of the proposed Upper Hiwassee Highlands viticultural area allow high amounts of solar radiation to reach the vineyards. By contrast, the surrounding regions are characterized by steep mountains and narrow, deeply incised gorges which restrict the amount of sunlight that reaches the lower, tillable mountainsides and valley floors; this effect is known as ''mountain shadowing.'' The table below compares the total and per-acre amounts of solar radiation accumulated within the proposed viticultural area and surrounding regions during the growing season (April through October), as measured in Watt-hours.[1]

[1] Total Watt-hours and mean Watt-hours per acre were calculated using the Environmental Systems Research Institute's (ESRI) Spatial Analyst Solar Radiation function. The software calculates solar radiation accumulation using the latitude of the chosen location and the azimuth and elevation of the sun's track across the sky each month. Because the sun's track varies with the season, but does not change from year to year, the analysis is not tied to any specific year.

TABLE 2—COMPARISON OF GROWING SEASON SOLAR RADIATION ACCUMULATION

[Measured in watt-hours]

Region	Total solar radiation accumulation	Mean solar accumulation per acre
Proposed viticultural area	2.23×10^{15}	5.05×10^{9}
North	6.72×10^{14}	4.11×10^{9}
East	1.12×10^{15}	4.41×10^{9}
South	7.04×10^{14}	4.34×10^{9}
West	2.00×10^{15}	4.77×10^{9}

As shown in the table, both the total and the per-acre solar radiation accumulation within the proposed viticultural area are greater than those of all of the surrounding regions. The contrast is greatest between the region to the north and the proposed viticultural area, with the proposed viticultural area accumulating 3.32 times the amount of total solar radiation and 23 percent more solar radiation on a per-acre basis. High levels of solar radiation promote efficient photosynthesis in the vines and speed the ripening of fruit.

Temperature

The proposed Upper Hiwassee Highlands viticultural area is warmer than the surrounding regions to the north, east, and south and slightly cooler than the region to the west. Because of the wide variety of elevations both within and outside the proposed viticultural area, the petitioner used the climate data mapping system created by the PRISM Climate Group at Oregon State University to estimate general climate patterns for the entire region.[2] The climate normals used in the calculations were gathered from three weather stations within the proposed viticultural area and nine stations from the surrounding regions.[3] The following table shows the mean annual and growing season temperatures calculated using the PRISM mapping system. The mean July temperature was also calculated because July represents the peak of the growing season.

TABLE 3—COMPARISON OF MEAN TEMPERATURES

Region	Mean temperature (fahrenheit)		
	Annual	Growing season (April–October)	July
Proposed viticultural area	53.5	64.9	73.2
North	51	61	69.7
East	50.3	61.7	69
South	51.6	62.4	70.6
West	55.9	65.3	73.8

The petitioner also used the climate data mapping system to determine the Winkler Region Classification[4] for the various elevations within the proposed Upper Hiwassee Highlands viticultural area and the surrounding regions. The following table shows the classifications.

TABLE 4—COMPARISON OF WINKLER REGION CLASSIFICATIONS

Region	Elevation range (feet)	Percentage of area	Winkler region classification
Proposed viticultural area	1,503–1,700	6.1	IV
	1,700–2,300	83.6	III
	2,300–2,400	6.3	II
	2,400–3,655	4.0	I
North	2,400–3,100	45.1	II
	3,100–5,554	54.9	I
East	2,400–3,350	55.0	II
	3,350–5,492	45.0	I
South	2,400–3,200	80.6	II
	3,200–4,784	19.4	I
West	837–1,600	14.8	IV
	1,600–2,400	70.5	III
	2,400–3,200	13.1	II

[2] The PRISM climate data mapping system combined climate normals gathered from weather stations, along with other factors such as elevation, longitude, slope angles, and solar aspect to estimate the general climate patterns for the proposed AVA and the surrounding regions. Climate normals are only calculated every 10 years, using 30 years of data, and at the time the petition was submitted, the most recent climate normals available were from the period of 1971–2000.

[3] The weather stations used in the analysis are the same stations listed in Table 5.

[4] In the Winkler climate classification system, annual heat accumulation during the growing season, measured in annual growing degree days (GDD), defines climatic regions. One GDD accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, the minimum temperature required for grapevine growth (''General Viticulture,'' by Albert J. Winkler, University of California Press, 1974, pages 61–64).

TABLE 4—COMPARISON OF WINKLER REGION CLASSIFICATIONS—Continued

Region	Elevation range (feet)	Percentage of area	Winkler region classification
	3,200–4,219	1.6	I

As shown in the table, the majority of the proposed viticultural area (84 percent) is classified as a moderately warm Region III climate in the Winkler climate classification system. The regions to the north, east, and south are classified as very cool Regions I and II. The region to the west is primarily a Region III, similar to the proposed viticultural area, although the region to the west does have a larger percentage of land in the very warm Region IV category than the proposed viticultural area.

Finally, the petition included estimates of the average freeze-free period (also referred to as the growing season) for the proposed Upper Hiwassee Highlands viticultural area and the surrounding regions. The data was collected from the period between 1971 and 2000 [5] from the same weather stations used to determine the mean annual and growing season temperatures.

TABLE 5—COMPARISON OF FREEZE-FREE PERIODS

Weather station location	Direction from proposed viticultural area	Average freeze-free period (days)
Andrews, NC	Within	168
Athens, TN	Northwest	190
Blairsville, GA	Within	161
Cataloochee, NC	Northeast	151
Clayton, GA	Southeast	171
Copperhill, TN	West	173
Coweeta, NC	East	160
Dahlonega, GA	South	193
Franklin, NC	East	165
Helen, GA	South	183
Murphy, NC	Within	168
Oconaluftee, NC	Northeast	151

The three weather stations within the proposed viticultural area have average freeze-free periods that are generally shorter than those to the west, south, and southeast and longer than those to the northeast. Although the proposed viticultural area has freeze-free periods similar to those to the east, the area to the east still has cooler overall temperatures that distinguish the region from the proposed viticultural area.

[5] At the time the petition was submitted, the only climate normal available for the weather stations were from the 1971–2000 period.

The moderately warm temperature of the proposed Upper Hiwassee Highlands viticultural area plays a role in the varieties of grapes that are grown. According to the petition, the climate is most suitable for growing French-American hybrids, which are grown in 17 of the 26 vineyards within the proposed viticultural area and cover 49 percent of the total vineyard acres within the proposed viticultural area. Examples of these French-American hybrids include Chambourcin, Traminette, Seyval Blanc, and Vidal Blanc. American varieties, such as Norton, Catawba, and Concord, are also popular and are grown in 11 of the vineyards and cover approximately 14 percent of the total vineyard acres within the proposed viticultural area. *Vitis vinifera* varieties cover approximately 37 percent of the total vineyard acres within the proposed viticultural area, but according to the petition, only 1 of the 26 vineyards within the proposed viticultural area grows *V. vinifera* varieties exclusively, with a total of half an acre planted to Cabernet Sauvignon. By contrast, the petition notes that the *V. vinifera* varieties are the most common varieties grown in the surrounding regions. The Biltmore Vineyard, approximately 90 miles away in Asheville, North Carolina, is the nearest commercial vineyard to the north of the proposed viticultural area and grows *V. vinifera* exclusively, including Cabernet Sauvignon, Merlot, and Chardonnay. The nearest vineyards to the south, approximately 30 miles away in Dahlonega and Cleveland, Georgia, and to the west, in the Appalachian foothills of Tennessee, also primarily grow *V. vinifera* varieties, along with some American varieties. Commercial viticulture is not present in the region immediately to the east of the proposed viticultural area because the region is largely covered by the Nantahala National Forest.

Soils

Nineteen soil associations have been mapped within the proposed Upper Hiwassee Highlands viticultural area, and 4 of these associations cover 77 percent of the land: Tsali-Spivey-Santeetlah-Junaluska (37 percent), Saluda-Hayesville-Evard-Brevard-Bradson (20 percent), Evard-Clifton-Braddock (11 percent), and Tusquitee-Porters-Edneyville-Ashe (10 percent). These soils are derived from metasedimentary rocks such as phyllites, slates, schists, metasandstones, and marble. They are generally deep, moderately to well drained, and moderately fertile. Deep soil allows for ample root growth to support the vines and collect water and nutrients. Well drained soil prevents waterlogging, which promotes rot and fungal growth. Moderately fertile soil provides adequate nutrition to the vines without promoting excessively thick leaf canopies that provide too much shade to the grape clusters; overly shaded fruit ripens slower than fruit with more sun exposure and is more susceptible to mold and mildew.

To the north, within the Unicoi and Snowbird mountains, soils of the Stecoah-Spivey-Porters-Edneyville-Chestnut association are the most common (40 percent). To the east, within the Valley River and the Nantahala and Tusquitee Mountains, soils of the Tusquitee-Porters-Fannin-Evard-Bervard-Ashe association are the most prevalent (40 percent). The petition states that the soil to the north and east is shallower and more at risk for erosion because of the steepness of the terrain. The petition also states that the soil in these regions is likely to contain more organic material and be more fertile than the soil of the proposed viticultural area due to the large amounts of decaying leaves and other vegetative matter dropped from trees and shrubs in these heavily forested regions.

To the south, within the Blue Ridge Mountains, and to the west, within the watersheds of the Ocoee River and lower Hiwassee River, the Tusquitee-Porters-Edneyville-Ashe association is the most common soil type (91 percent and 27 percent, respectively). The petition notes that although this soil association is also found within the proposed viticultural area, the soil to the south and west occurs on much steeper slopes and, therefore, is likely to be shallower and more at risk of erosion than the same soil series within the proposed viticultural area.

Summary of Distinguishing Features

In summary, the evidence provided in the petition indicates that the

geographic features of the proposed Upper Hiwassee Highlands viticultural area distinguish it from the surrounding regions in each direction. To the north, east, and south, the elevations are higher, the temperatures are lower, and the most common soil associations are different from those in the proposed viticultural area, namely, Stecoah-Spivey-Porters-Edneyville-Chestnut, Tusquitee-Porters-Fannin-Evard-Bervard-Ashe, and Tusquitee-Porters-Edneyville-Ashe, respectively. To the west, the elevations are lower, the temperatures are generally higher, and the most common soil association is Tusquitee-Porters-Edneyville-Ashe. All of the surrounding regions have steeper slope angles and accumulate less solar radiation than the proposed viticultural area.

TTB Determination

TTB concludes that the petition to establish the approximately 692-square mile Upper Hiwassee Highlands viticultural area merits consideration and public comment, as invited in this notice.

Boundary Description

See the narrative boundary description of the petitioned-for viticultural area in the proposed regulatory text published at the end of this notice.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. If TTB establishes this proposed viticultural area, its name, ''Upper Hiwassee Highlands,'' will be recognized as a name of viticultural significance under 27 CFR 4.39(i)(3). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Upper Hiwassee Highlands'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the viticultural name as an appellation of origin if this proposed rule is adopted as a final rule.

TTB does not believe that the terms ''Hiwassee,'' ''Hiwassee Highlands,'' or ''highlands,'' standing alone, should have viticultural significance if the proposed viticultural area is established. The term ''Hiwassee'' has widespread use within the United States as a geographical name, used in reference to 37 locations in 5 States outside the proposed viticultural area, according to a GNIS search. The term ''highlands'' is commonly used both nationally and internationally as a generic term for a rugged, mountainous region. The phrase ''Hiwassee Highlands'' applies not only to the region within the proposed viticultural area but also to the region immediately outside the proposed viticultural area, below the Hiwassee Dam. Accordingly, the proposed part 9 regulatory text set forth in this document specifies only the full name ''Upper Hiwassee Highlands'' as a term of viticultural significance for purposes of part 4 of the TTB regulations.

For a wine to be labeled with a viticultural area name or with a brand name that includes a viticultural area name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with a viticultural area name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the viticultural area name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label.

Different rules apply if a wine has a brand name containing a viticultural area name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed viticultural area. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, and other required information submitted in support of the petition. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Upper Hiwassee Highlands viticultural area on wine labels that include the term ''Upper Hiwassee Highlands'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed area name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed viticultural area will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the proposed viticultural area.

Submitting Comments

You may submit comments on this notice by using one of the following three methods (please note that TTB has a new address for comments submitted by U.S. Mail):

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2013–0008 on ''Regulations.gov,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 139 on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. 139 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly indicate if you are commenting on your own behalf or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name as well as your name and position title. If you comment via Regulations.gov, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand

delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2013–0008 on the Federal e-rulemaking portal, Regulations.gov, at *http://www.regulations.gov.* A direct link to that docket is available on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 139. You may also reach the relevant docket through the Regulations.gov search page at *http://www.regulations.gov.* For information on how to use Regulations.gov, click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this notice, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Contact TTB's information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

This proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this proposed rule.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.____ to read as follows:

§ 9.____ Upper Hiwassee Highlands.

(a) *Name.* The name of the viticultural area described in this section is ''Upper Hiwassee Highlands''. For purposes of part 4 of this chapter, ''Upper Hiwassee Highlands'' is a term of viticultural significance.

(b) *Approved maps.* The 24 United States Geological Survey 1:24,000 scale topographic maps used to determine the boundary of the Upper Hiwassee Highlands viticultural area are titled:

(1) Unaka, NC/TN, 1957; photorevised 1978;

(2) McDaniel Bald, NC/TN, 1957; photoinspected 1976;

(3) Marble, NC, 1938; photorevised 1990;

(4) Andrews, NC, 1938; photorevised 1990;

(5) Topton, NC, 1957; photoinspected 1976;

(6) Peachtree, NC, 1937; photorevised 1973;

(7) Hayesville, NC, 1966; photorevised 1978; photoinspected 1987;

(8) Shooting Creek, NC, 1957; photorevised 1990;

(9) Rainbow Springs, NC, 1957; photorevised 1978;

(10) Macedonia, GA/NC, 1988;

(11) Hightower Bald, GA/NC, 1988;

(12) Tray Mountain, GA, 1957; photorevised 1985;

(13) Jacks Gap, GA, 1988;

(14) Hiawassee, GA/NC, 1988;

(15) Blairsville, GA/NC, 1988;

(16) Cowrock, GA, 1988;

(17) Coosa Bald, GA, 1988;

(18) Neels Gap, GA, 1988;

(19) Mulky Gap, GA, 1965;

(20) Wilscot, GA, 1947;

(21) Nottely Dam, GA/NC, 1988;

(22) Culberson, NC/GA, 1988;

(23) Persimmon Creek, NC, 1957; photorevised 1978; and

(24) Isabella, TN/NC, 1957; photorevised 1978.

(c) *Boundary.* The Upper Hiwassee Highlands viticultural area is located in Cherokee and Clay Counties in North Carolina and in Towns, Union, and Fannin Counties in Georgia. The boundary of the Upper Hiwassee Highlands viticultural area is as follows:

(1) The beginning point is in Cherokee County, North Carolina, on the Unaka map at the intersection of the northwestern end of the Hiwassee Dam and an unnamed light-duty road known locally as Hiwassee Dam Access Road.

(2) From the beginning point, proceed northwesterly on Hiwassee Dam Access Road approximately 4.2 miles to the road's intersection with an unnamed light-duty road known locally as Joe Brown Highway; then

(3) Proceed northeasterly on Joe Brown Highway approximately 1.4 miles to the highway's intersection with an unnamed light-duty road known locally as Burrell Mountain Road; then

(4) Proceed east-northeasterly along a straight line (drawn from the intersection of Joe Brown Highway and Burrell Mountain Road to the peak of Bird Knob) to the point where the line intersects the 2,400-foot elevation line west of Bird Knob; then

(5) Proceed initially southerly and then easterly along the meandering 2,400-foot elevation line and continue to follow the elevation line in an overall clockwise direction through Cherokee and Clay Counties, North Carolina, and then Towns and Union Counties, Georgia, crossing over as necessary the McDaniel Bald, Marble, Andrews, Topton, Peachtree, Hayesville, Shooting Creek, Rainbow Springs, Macedonia, Hightower Bald, Tray Mountain, Jacks Gap, Hiwassee, Blairsville, Cowrock, Coosa Bald, Neels Gap, and Mulky Gap maps and ending on the Wilscot map, to the 2,400-foot elevation line's intersection with the Union–Fannin County boundary line at Skeenah Gap; then

(6) Proceed northerly along the meandering Union–Fannin County boundary line, crossing over the Mulky Gap and Nottely Dam maps and onto the Culberson map, to the summit of High Top Mountain; then

(7) Proceed northwesterly in a straight line approximately one mile to the intersection of two unnamed light-duty roads known locally as Cutcane Road and Mt. Herman Road, near Mt. Herman Church; then

(8) Proceed northwesterly on Mt. Herman Road approximately one mile to the road's intersection with State Spur 60 (Murphy Highway); then

(9) Proceed southwesterly on State Spur 60 (Murphy Highway) approximately 2 miles to the road's intersection with an unnamed light-duty road known locally as Knollwood Road; then

(10) Proceed northwesterly in a straight line approximately 1.75 miles to the summit of Watson Mountain; then

(11) Proceed northeasterly in a straight line approximately 2.15 miles, crossing onto the Persimmon Creek map, to the line's intersection with the wagon and jeep track at the southern-most summit of Vance Mountain in Cherokee County, North Carolina; then

(12) Proceed north-northwesterly along the wagon and jeep track approximately 0.8 mile to the track's intersection with a marked foot trail near the 2,200-foot elevation line on the northern spur of Vance Mountain; then

(13) Proceed north-northwesterly along the foot trail approximately 0.5 mile to the trail's intersection with an unnamed road known locally as Wallace Road, and then continue north-northwesterly along Wallace Road approximately 0.4 mile to the road's intersection with U.S. Highway 64 near Hothouse; then

(14) Proceed westerly along U.S. Highway 64 approximately one mile to the highway's intersection with a marked northerly foot trail at Nealy Gap; then

(15) Proceed northerly along the marked foot trail, briefly crossing to and from the Isabella map, to the foot trail's intersection with an unnamed unimproved road, and then continue northerly on the unimproved road to its intersection with a second unnamed unimproved road known locally as Charles Laney Road, a total approximate distance of 0.75 mile; then

(16) Proceed northwesterly on the unnamed unimproved road known locally as Charles Laney Road, crossing onto the Isabella map, to the road's end, and then continue north-northwesterly on a marked foot trail to the trail's intersection with a wagon and jeep track at Wolfpen Gap, a total approximate distance of one mile; then

(17) Proceed easterly and then northeasterly along the wagon and jeep trail, crossing onto the Persimmon Creek map, to the 3,284-foot benchmark (MLB 1514) on Payne Mountain, then continue northeasterly on the wagon and jeep trail (which is partially marked as a foot trail) along the ridge line of Payne Mountain to the peak of Harris Top, then continue north-northeasterly on the wagon and jeep trail to the peak of Beaver Top, a total approximate distance of 2.75 miles; then

(18) Proceed northeasterly approximately 0.25 mile on the wagon and jeep trail to the point where the trail turns sharply to the southeast at a summit within the 2,480-foot elevation line on the western shoulder of Indian Grave Gap; then

(19) Proceed north in a straight line approximately 0.95 mile to the summit of Canedy Mountain, and then continue north-northwest in a straight line approximately 0.45 mile to the line's intersection with an unnamed light-duty road known locally as Candy Mountain Road; then

(20) Proceed east-northeasterly on Candy Mountain Road approximately 0.8 mile to the 1,740-foot benchmark (BM HR 116); then

(21) Proceed northerly in a straight line approximately 1.2 miles to the southern-most peak of Ghormley Mountain (within the 2,440-foot elevation line); then

(22) Proceed north-northeast in a straight line approximately 1.3 miles to the intersection of an unnamed light-duty road known locally as Lower Bear Paw Road and an unnamed unimproved road just south of Reids Chapel (the chapel is shown along the southern edge of the Unaka map); then

(23) Proceed northerly on Lower Bear Paw Road approximately 0.35 mile, crossing onto the Unaka map, to the road's intersection with an unnamed medium-duty road known locally as Hiwassee Dam Access Road; then

(24) Proceed easterly and then northerly along Hiwassee Dam Access Road approximately 2.9 miles, returning to the beginning point at the northwestern end of Hiwassee Dam.

Dated: July 3, 2013.

John J. Manfreda,

Administrator.

[FR Doc. 2013–16725 Filed 7–11–13; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0529]

RIN 1625–AA00

Safety Zone; Fireworks Display, Baltimore Harbor; Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone encompassing certain waters of Baltimore Harbor. This action is necessary to provide for the safety of life on navigable waters during a fireworks display launched from barges located within Baltimore Harbor at Baltimore, MD on September 5, 2013. This safety zone is intended to protect the maritime public in a portion of Baltimore Harbor.

DATES: Comments and related material must be received by the Coast Guard on or before August 12, 2013.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, Sector Baltimore Waterways Management Division, Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register

NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov*, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, type the docket number [USCG–2013–0529] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number (USCG–2013–0529) 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.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

The National Football League, of New York, NY, will sponsor a fireworks display launched from barges located in Baltimore Harbor, in Baltimore, Maryland, scheduled on September 5, 2013, at approximately 9:30 p.m.

Fireworks displays are frequently held from locations on or near the navigable waters of the United States. The potential hazards associated with fireworks displays are a safety concern during such events. The purpose of this rule is to promote public and maritime safety during a fireworks display, and to protect mariners transiting the area from the potential hazards associated with a fireworks display, such as the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. This rule is needed to ensure safety on the waterway before, during and after the scheduled event.

C. Discussion of Proposed Rule

The Coast Guard proposes to establish a temporary safety zone encompassing: (1) All waters of Baltimore Harbor, Baltimore's Inner Harbor, within a 50 yards radius of a fireworks discharge barge in approximate position latitude 39°17′03″ N, longitude 076°36′36″ W, located southeast of Pier 1 Inner Harbor at Baltimore, MD; (2) all waters of Baltimore Harbor, Baltimore's Inner Harbor, within a 100 yards radius of a fireworks discharge barge in approximate position latitude 39°16′55″ N, longitude 076°36′17″ W, located southwest of Pier 6 Inner Harbor at Baltimore, MD; and (3) and all waters of Baltimore Harbor, Baltimore's Inner Harbor, within a 200 yards radius of a fireworks discharge barge in approximate position latitude 39°16′38″ N, longitude 076°35′55″ W, located northwest of the Domino Sugar (ASR Group) refinery wharf at Baltimore, MD. The temporary safety zone will be enforced from 7:30 p.m. through 11:30 p.m. on September 5, 2013.

The effect of this temporary safety zone will be to restrict navigation in the regulated area during, as well as the set up and take down of, the fireworks display. Vessels will be allowed to transit the waters of Baltimore Harbor outside the safety zone.

This rule requires that entry into or remaining in this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. Vessels already at berth, mooring, or anchor in the safety zone at the time the safety zone is implemented do not have to depart the zone. All vessels underway within this safety zone at the time it is implemented are to depart the zone. To seek permission to transit the area of the safety zone, the Captain of the Port Baltimore can be contacted at telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Coast Guard vessels enforcing the safety zone can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Federal, state, and local agencies may assist the Coast Guard in the enforcement of the safety zone. The Coast Guard will issue notices to the maritime community to further publicize the safety zone and notify the public of changes in the status of the zone. Such notices will continue until the event is complete.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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 would restrict access to this area, the effect of this proposed rule will not be significant because: (i) The safety zone will only be in effect from 7:30 p.m. through 11:30 p.m. on September 5, 2013, (ii) the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and (iii) although the safety zone will apply to certain portions of Baltimore Harbor, vessel traffic will be able to transit safely around the safety zone.

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 proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to operate or transit through or within, or anchor in, the safety zone during the enforcement period. This proposed safety zone will not have a significant economic impact on a substantial number of small entities for the reasons provided under Regulatory Planning and Review.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing a temporary safety zone for a fireworks display. The fireworks are launched from navigable waters of the United States and may have potential for negative impact on the safety or other interest of waterway users and near shore activities in the event area. The activity includes fireworks launched from barges near the shoreline that generally rely on the use of navigable waters as a safety buffer to protect the public from fireworks fallouts and premature detonations. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant

Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0529 to read as follows:

§ 165.T05–0529 Safety Zone; Fireworks Display, Baltimore Harbor; Baltimore, MD.

(a) *Location.* The following areas are a safety zone: (1) All waters of Baltimore Harbor, Baltimore's Inner Harbor, within a 50 yards radius of a fireworks discharge barge in approximate position latitude 39°17′03″ N, longitude 076°36′36″ W, located southeast of Pier 1 Inner Harbor at Baltimore, Maryland; (2) all waters of Baltimore Harbor, Baltimore's Inner Harbor, within a 100 yards radius of a fireworks discharge barge in approximate position latitude 39°16′55″ N, longitude 076°36′17″ W, located southwest of Pier 6 Inner Harbor at Baltimore, Maryland; and (3) all waters of Baltimore Harbor, Baltimore's Inner Harbor, within a 200 yards radius of a fireworks discharge barge in approximate position latitude 39°16′38″ N, longitude 076°35′55″ W, located northwest of the Domino Sugar (ASR Group) refinery wharf at Baltimore, Maryland. All coordinates refer to datum NAD 1983.

(b) *Regulations.* The general safety zone regulations found in 33 CFR 165.23 apply to the safety zone created by this temporary section.

(1) All persons are required to comply with the general regulations governing safety zones found in 33 CFR 165.23.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. Vessels already at berth, mooring, or anchor at the time the safety zone is implemented do not have to depart the safety zone. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the safety zone must first obtain authorization from the Captain of the Port Baltimore or his designated representative. To seek permission to transit the area, the Captain of the Port Baltimore and his designated representatives can be contacted at telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Baltimore or his designated representative and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(4) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(c) *Definitions.* As used in this section:

Captain of the Port Baltimore means the Commander, U.S. Coast Guard Sector Baltimore, Maryland.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the safety zone described in paragraph (a) of this section.

(d) *Enforcement period.* This section will be enforced from 7:30 p.m. through 11:30 p.m. on September 5, 2013.

Dated: June 18, 2013.

Kevin C. Kiefer,

Captain, U.S. Coast Guard, Captain of the Port Baltimore.

[FR Doc. 2013–16612 Filed 7–11–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0449; FRL–9832–5]

Determination of Attainment for the West Central Pinal Nonattainment Area for the 2006 Fine Particle Standard; Arizona; Determination Regarding Applicability of Clean Air Act Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to determine that the West Central Pinal area in Arizona has attained the 2006 24-hour fine particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS). This proposed determination is based upon complete, quality-assured, and certified ambient air monitoring data showing that the area has monitored attainment of the 2006 24-hour $PM_{2.5}$ NAAQS based on the 2010–2012 monitoring period. EPA is further proposing that, if EPA finalizes this determination of attainment, the requirements for the area to submit an attainment demonstration, together with reasonably available control measures (RACM), a reasonable further progress (RFP) plan, and contingency measures for failure to meet RFP and attainment deadlines shall be suspended for so long as the area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS.

DATES: Written comments must be received on or before August 12, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2013–0449 by one of the following methods:

1. *Federal eRulemaking Portal,* at www.regulations.gov, please follow the on-line instructions;

2. *Email* to *vagenas.ginger@epa.gov*; or

3. *Mail or delivery* to Ginger Vagenas, Air Planning Office, AIR–2, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information you consider to be CBI or otherwise protected should be clearly identified as such and should not be submitted

through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EPA, your email address will be automatically captured and included as part of the public comment. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas, (415) 972–3964, or by email at *vagenas.ginger@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'' or ''our'' are used, we mean EPA. We are providing the following outline to aid in locating information in this proposal.

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I. What determination is EPA making?

EPA is proposing to determine that the West Central Pinal nonattainment area has clean data for the 2006 24-hour NAAQS for fine particles (generally referring to particles less than or equal to 2.5 micrometers in diameter, $PM_{2.5}$). This determination is based upon complete, quality-assured, and certified ambient air monitoring data showing the area has monitored attainment of the 2006 $PM_{2.5}$ NAAQS based on 2010–2012 monitoring data. Preliminary data in EPA's Air Quality System (AQS) for 2013 indicate that the area continues to attain the 2006 $PM_{2.5}$ NAAQS. Based on this determination, we are also proposing to suspend the obligations on the State of Arizona to submit certain state implementation plan (SIP) revisions related to attainment of this standard for the area for as long as the area continues to attain the standard.

II. What is the background for this action?

A. $PM_{2.5}$ NAAQS

Under section 109 of the Clean Air Act (CAA or ''Act''), EPA has established national ambient air quality standards (NAAQS or ''standards'') for certain pervasive air pollutants (referred to as ''criteria pollutants'') and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established.

On July 1, 1987 (52 FR 24634), EPA replaced the original NAAQS for particulate matter, measured as total suspended particulate matter (''TSP'')(i.e., particles roughly 30 micrometers or less), with new NAAQS that replaced TSP as the indicator for particulate matter with a new indicator that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}).

On July 18, 1997 (62 FR 38652), EPA revised the NAAQS for particulate matter by establishing new NAAQS for particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers ($PM_{2.5}$). EPA established primary and secondary [1] annual and 24-hour standards for $PM_{2.5}$. The annual standard was set at 15.0 micrograms per cubic meter (μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and the 24-hour standard was set at 65 μg/m³, based on the 3-year average of the 98th percentile of 24-hour $PM_{2.5}$ concentrations at each population-oriented monitor within an area.

On October 17, 2006 (71 FR 61144), EPA revised the level of the 24-hour $PM_{2.5}$ NAAQS to 35 μg/m³, based on a 3-year average of the 98th percentile of 24-hour concentrations. Herein, we refer to the 35 μg/m³ standard as the ''2006 24-hour $PM_{2.5}$ standard.'' EPA also retained the 1997 annual $PM_{2.5}$ standard at 15.0 μg/m³ based on a 3-year average of annual mean $PM_{2.5}$ concentrations, but with tighter constraints on the spatial averaging criteria.

In December 2012, EPA revised the annual $PM_{2.5}$ NAAQS to a level of 12 μg/m³, retained the current 24-hour $PM_{2.5}$ NAAQS at a level of 35 μg/m³, and retained the current PM_{10} NAAQS. *See* 78 FR 3086 (January 15, 2013). The proposed determination in this document concerns only the 2006 24-hour $PM_{2.5}$ NAAQS, not the 1997 24-hour $PM_{2.5}$ NAAQS or the 1997 or 2012 annual $PM_{2.5}$ NAAQS, and not the PM_{10} NAAQS.

B. Designation of $PM_{2.5}$ Nonattainment Areas

Effective December 14, 2009, EPA established the initial air quality designations for most areas in the United States for the 2006 24-hour $PM_{2.5}$ NAAQS. *See* 74 FR 58688 (November 13, 2009). Pinal County, Arizona is located within one of three areas that EPA deferred from designation at that time.[2] However, in a subsequent action on February 3, 2011, EPA designated a portion of State lands in Pinal County, Arizona (''West Central Pinal'') as nonattainment for the 2006 $PM_{2.5}$ NAAQS based on 2006–2008 data.[3] [4] For more information on the designation of West Central Pinal, please see the February 3, 2011 final rule.

Within 3 years of the effective date of designations, states with areas designated as nonattainment for the 2006 $PM_{2.5}$ NAAQS are required to submit SIP revisions that, among other

[1] For a given air pollutant, ''primary'' national ambient air quality standards are those determined by EPA as requisite to protect the public health, and ''secondary'' standards are those determined by EPA as requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. See CAA section 109(b).

[2] With respect to the 1997 annual $PM_{2.5}$ NAAQS, this area is designated as ''unclassifiable/attainment.'' EPA has not yet established designations for the revised annual $PM_{2.5}$ NAAQS.

[3] *See* 76 FR 6056, February 3, 2011. This action was effective March 7, 2011. On October 26, 2012, we designated nearby Indian lands belonging to the Ak Chin Indian Community and the Gila River Indian Community, which lie within the deferred area, as ''unclassifiable/attainment'' for the 2006 $PM_{2.5}$ NAAQS based on improved air quality. *See* 77 FR 65310.

[4] The boundaries for the nonattainment area are described in 40 CFR 81.303.

elements, provide for implementation of reasonably available control measures (RACM), reasonable further progress (RFP), attainment of the standard as expeditiously as practicable but no later than five years from the nonattainment designation (in this instance, no later than March 7, 2014), as well as contingency measures. *See* CAA section 172(a)(2), 172(c)(1), 172(c)(2), and 172(c)(9). Prior to the due date for submittal of these SIP revisions, the State of Arizona requested that EPA make a determination that the West Central Pinal nonattainment area has attained the 2006 $PM_{2.5}$ NAAQS.[5] Today's proposal responds to the State's request.

C. How does EPA make attainment determinations?

A determination of whether an area's air quality currently meets the $PM_{2.5}$ NAAQS is generally based upon the most recent three years of complete, quality-assured data gathered at established State and Local Air Monitoring Stations (SLAMS) in a nonattainment area and entered into the AQS database. Data from air monitors operated by state/local agencies in compliance with EPA monitoring requirements must be submitted to AQS. Monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, EPA relies primarily on data in AQS when determining the attainment status of areas. *See* 40 CFR 50.13; 40 CFR part 50, appendix L; 40 CFR part 53; 40 CFR part 58, and 40 CFR part 58, appendices A, C, D, and E. All data are reviewed to determine the area's air quality status in accordance with 40 CFR part 50, appendix N.

Under EPA regulations in 40 CFR part 50, section 50.13 and in accordance with appendix N, the 2006 24-hour $PM_{2.5}$ standard is met when the design value is less than or equal to 35 μg/m^3 (based on the rounding convention in 40 CFR part 50, appendix N) at each monitoring site within the area.[6] The $PM_{2.5}$ 24-hour average is considered valid when 75 percent of the hourly averages for the 24-hour period are available. Data completeness requirements for a given year are met when at least 75 percent of the scheduled sampling days for each quarter have valid data.

III. What is EPA's analysis of the relevant air quality data?

A. Monitoring Network and Data Considerations

Pinal County Air Quality Control District (PCAQCD) is the governmental agency with the authority and responsibility under state law for collecting ambient air quality data within the West Central Pinal nonattainment area. Annually, PCAQCD submits monitoring network plans to EPA. These plans discuss the status of the air monitoring network, as required under 40 CFR part 58. EPA reviews these annual network plans for compliance with the applicable reporting requirements in 40 CFR 58.10. With respect to $PM_{2.5}$, we have found that PCAQCD's annual network plans meet the applicable requirements under 40 CFR part 58.[7] Furthermore, we concluded in our *Technical System Audit Report* concerning PCAQCD's ambient air quality monitoring program that PCAQCD's ambient air monitoring network currently meets or exceeds the requirements for the minimum number of monitoring sites designated as SLAMS for $PM_{2.5}$ in the West Central Pinal nonattainment area.[8] Also, PCAQCD annually certifies that the data it submits to AQS are quality-assured.[9]

There was one $PM_{2.5}$ SLAMS operating during the 2010–2012 period in the West Central Pinal $PM_{2.5}$ nonattainment area. This site has been monitoring $PM_{2.5}$ concentrations since 2005. Historically, this site had monitored $PM_{2.5}$ concentrations on a one-in-six day sampling frequency. In the beginning of 2012, the sampling frequency was changed to a one-in-three day schedule.

EPA defines specific monitoring site types and spatial scales of representativeness to characterize the nature and location of required monitors. The monitor's spatial scale is middle scale,[10] and its monitoring objectives (site type) are source oriented and population exposure.

For the purposes of this proposed action, we have reviewed the data for the most recent three-year period (2010–2012) for completeness, and we determined that the data collected by PCAQCD meets the completeness criterion for all 12 quarters at the West Central Pinal $PM_{2.5}$ monitor. We consider the $PM_{2.5}$ data set for 2010–2012 to be complete for the purposes of determining whether the area has attained the standard.

B. Evaluation of Current Attainment

EPA's evaluation of whether the West Central Pinal $PM_{2.5}$ nonattainment area has attained the 2006 24-hour $PM_{2.5}$ NAAQS is based on our review of the monitoring data and takes into account the adequacy of the $PM_{2.5}$ monitoring network in the nonattainment area and the reliability of the data collected by the network as discussed in the previous section of this document.

Table 1 shows the $PM_{2.5}$ design values for the West Central Pinal nonattainment area monitor based on ambient air quality monitoring data for the most recent complete three-year period (2010–2012). The data show that the design value for the 2010–2012 period was equal to or less than 35 μg/m^3 at the monitor. Therefore, we are proposing to determine, based on the complete, quality-assured, and certified data for 2010–2012, that the West Central Pinal area has attained the 2006 24-hour $PM_{2.5}$ standard. Preliminary data available in AQS for 2013 indicate that the area continues to attain the standard.

[5] On December 19, 2012, in an email to Colleen McKaughan, Associate Director, Air Division, U.S. EPA Region IX, Steven M. Calderon, Manager, State Implementation Plan Section, Air Quality Division, Arizona Department of Environmental Quality, requested that EPA determine whether the West Central Pinal $PM_{2.5}$ nonattainment area qualified for a determination of attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. On January 29, 2013, ADEQ provided an AQS Design Value Report in support of the request. Both of these items can be found in the docket for today's action.

[6] The 24-hour $PM_{2.5}$ standard design value is the 3-year average of annual 98th percentile 24-hour average values recorded at each monitoring site (see 40 CFR part 50, appendix N, section 1.0(c)), and the 24-hour $PM_{2.5}$ NAAQS is met when the 24-hour standard design value at each monitoring site is less than or equal to 35 μg/m^3.

[7] Letter from Matthew Lakin, Manager, Air Quality Analysis Office, U.S. EPA Region IX, to Donald Gabrielson, Director, PCAQCD (November 1, 2010) (approving PCAQCD's ''2010 Ambient Monitoring Network Plan and 2009 Data Summary''); Letter from Matthew Lakin, Manager, Air Quality Analysis Office, U.S. EPA Region IX, to Donald Gabrielson, Director, PCAQCD (November 1, 2011) (approving PCAQCD's ''2011 Annual Monitoring Network Plan and 2010 Data Summary''); Letter from Matthew Lakin, Manager, Air Quality Analysis Office, U.S. EPA Region IX, to Donald Gabrielson, Director, PCAQCD (March 27, 2013) (approving PCAQCD's ''2012 Annual Monitoring Network Plan and 2011 Data Summary'').

[8] Technical System Audit Report transmitted via correspondence dated June 10, 2013, from Deborah Jordan, Director, Air Division, EPA Region IX, to Donald Gabrielson, Director, PCAQCD.

[9] *See, e.g.,* the letter from Kale Walch, Deputy Director, PCAQCD to Jared Blumenfeld, Regional Administrator, EPA Region IX, dated April 26, 2013 certifying the ambient air quality data collected for year 2012.

[10] In this context, ''middle'' spatial scale defines concentrations typical of areas up to several city blocks in size with dimensions ranging from about 100 meters to 0.5 kilometers. See 40 CFR part 58, appendix D, section 1.2.

TABLE 1—2010–2012 24-HOUR $PM_{2.5}$ MONITORING SITE AND DESIGN VALUES FOR THE WEST CENTRAL PINAL NONATTAINMENT AREA

Monitoring site	98th Percentile (μg/m³)			2010–2012 Design values (μg/m³)
	2010	2011	2012	
Cowtown Road	27.1	27.2	28.9	28

Source: Design Value Report, May 23, 2013 (in the docket to this proposed action).

IV. What is the effect of a determination of attainment for the 2006 24-hour $PM_{2.5}$ NAAQS under subpart 4 of the Clean Air Act?

This section of EPA's proposal addresses the effects of a final determination of attainment for the West Central Pinal nonattainment area.

For the 1997 annual $PM_{2.5}$ standard, 40 CFR 51.1004(c) of EPA's Implementation Rule embodies EPA's ''Clean Data Policy'' interpretation under subpart 1. The provisions of § 51.1004(c) set forth the effects of a determination of attainment for the 1997 $PM_{2.5}$ standard. 72 FR 20585, 20665 (April 25, 2007). While the regulatory provisions of § 51.1004(c) do not explicitly apply to the 2006 $PM_{2.5}$ standard, the underlying statutory interpretation is the same for both standards. *See* 77 FR 76427 (Dec. 28, 2012) (proposed determination of attainment for the 2006 $PM_{2.5}$ standard for Milwaukee, WI).

On January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* the D.C. Circuit remanded to EPA the ''Final Clean Air Fine Particle Implementation Rule'' (72 FR 20586, April 25, 2007) and the ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' final rule (73 FR 28321, May 16, 2008) (collectively, ''1997 $PM_{2.5}$ Implementation Rule'' or ''Implementation Rule''). 706 F.3d 428 (D.C. Cir. 2013). The Court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant solely to the general implementation provisions of subpart 1 of Part D of Title I of the CAA, rather than the particulate-matter-specific provisions of subpart 4 of Part D of Title I. The Court remanded EPA's Implementation Rule for further proceedings consistent with the Court's decision. In light of the Court's decision and its remand of the Implementation Rule, EPA in this proposed rulemaking addresses the effect of a final determination of attainment for the West Central Pinal nonattainment area, if that area were considered a moderate nonattainment area under subpart 4.[11] As set forth in more detail below, under EPA's Clean Data Policy interpretation, a determination that the area has attained the standard suspends the State's obligation to submit attainment-related planning requirements of subpart 4 (and the applicable provisions of subpart 1) for so long as the area continues to attain the standard. These include requirements to submit an attainment demonstration, RFP, RACM, and contingency measures, because the purpose of these provisions is to help reach attainment—a goal which has already been achieved.

A. Background of the Clean Data Policy

Over the past two decades, EPA has consistently applied its ''Clean Data Policy'' interpretation to attainment-related provisions of subparts 1, 2 and 4. The Clean Data Policy is the subject of several EPA memoranda and regulations. In addition, numerous individual rulemakings published in the **Federal Register** have applied the interpretation to a spectrum of NAAQS, including the 1-hour and 1997 ozone, PM_{10}, $PM_{2.5}$, CO and lead standards. The D.C. Circuit has upheld the Clean Data Policy interpretation as embodied in EPA's 8-hour ozone Implementation Rule, 40 CFR 51.918.[12] *NRDC* v. *EPA,* 571 F. 3d 1245 (D.C. Cir. 2009). Other U.S. Circuit Courts of Appeals that have considered and reviewed EPA's Clean Data Policy interpretation have upheld it and the rulemakings applying EPA's interpretation. *Sierra Club* v. *EPA,* 99 F.3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F. 3d 537 (7th Cir. 2004); Our *Children's Earth Foundation* v. *EPA,* N. 04–73032 (9th Cir. June 28, 2005 (Memorandum Opinion)), *Latino Issues Forum,* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir. March 2, 2009 (Memorandum Opinion)).

As noted above, EPA incorporated its Clean Data Policy interpretation in both its 1997 8-hour ozone implementation rule and in its $PM_{2.5}$ Implementation Rule in 40 CFR 51.1004(c). 72 FR 20585, 20665 (April 25, 2007). While the D.C. Circuit, in its January 4, 2013 decision, remanded the 1997 $PM_{2.5}$ Implementation Rule, the court did not address the merits of that regulation, nor cast doubt on EPA's existing interpretation of the statutory provisions.

However, in light of the Court's decision, we set forth here EPA's Clean Data Policy interpretation under subpart 4, for the purpose of identifying the effects of a determination of attainment for the 2006 $PM_{2.5}$ standard for the West Central Pinal nonattainment area. EPA has previously articulated its Clean Data interpretation under subpart 4 in implementing the PM_{10} standard. *See, e.g.,* 75 FR 27944 (May 19, 2010) (determination of attainment of the PM_{10} standard in Coso Junction, California); 75 FR 6571 (February 10, 2010) and 71 FR 6352 (February 8, 2006) (Ajo, Arizona area); 71 FR 13021 (March 14, 2006) (Yuma, Arizona area); 71 FR 40023 (July 14, 2006) (Weirton, West Virginia area); 71 FR 44920 (August 8, 2006) (Rillito, Arizona area); 71 FR 63642 (October 30, 2006) (San Joaquin Valley, California area); 72 FR 14422 (March 28, 2007) (Miami, Arizona area). Thus EPA has established that, under subpart 4, an attainment determination suspends the obligations to submit an attainment demonstration, RACM, RFP contingency measures, and other measures related to attainment.

B. Application of the Clean Data Policy to the Attainment-Related Provisions of Subpart 4

In EPA's proposed and final rulemakings determining that the San

[11] For the purposes of evaluating the effects of this proposed determination of attainment under subpart 4, we are considering the West Central Pinal nonattainment area to be a ''moderate'' $PM_{2.5}$ nonattainment area. Under section 188 of the CAA, all areas designated nonattainment areas under subpart 4 would initially be classified by operation of law as ''moderate'' nonattainment areas, and would remain moderate nonattainment areas unless and until EPA reclassifies the area as a ''serious'' nonattainment area. Accordingly, EPA believes that it is appropriate to limit the evaluation of the potential impact of subpart 4 requirements to those that would be applicable to moderate nonattainment areas. Sections 189(a) and (c) of subpart 4 apply to moderate nonattainment areas and include an attainment demonstration (section 189(a)(1)(B)); (3) provisions for RACM (section 189(a)(1)(C)); and quantitative milestones demonstrating RFP toward attainment by the applicable attainment date (section 189(c)). In addition, EPA also evaluates the applicable requirements of subpart 1.

[12] ''EPA's Final Rule to implement the 8-hour Ozone National Ambient Air Quality Standard—Phase 2 (Phase 2 Final Rule),'' 70 FR 71612, 71645–46 (November 29, 2005).

Joaquin Valley nonattainment area attained the PM_{10} standard, EPA set forth at length its rationale for applying the Clean Data Policy to PM_{10} under subpart 4. The Ninth Circuit upheld EPA's final rulemaking, and specifically EPA's Clean Data Policy, in the context of subpart 4. *Latino Issues Forum* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir. March 2, 2009 (Memorandum Opinion)). In rejecting petitioner's challenge to the Clean Data Policy under subpart 4 for PM_{10}, the Ninth Circuit stated, ''As the EPA explained, if an area is in compliance with PM_{10} standards, then further progress for the purpose of ensuring attainment is not necessary.''

The general requirements of subpart 1 apply in conjunction with the more specific requirements of subpart 4, to the extent they are not superseded or subsumed by the subpart 4 requirements. Subpart 1 contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4 itself contains specific planning and scheduling requirements for PM_{10} nonattainment areas, and under the Court's January 4, 2013 decision in *NRDC* v. *EPA,* these same statutory requirements also apply for $PM_{2.5}$ nonattainment areas. EPA has longstanding general guidance that interprets the 1990 amendments to the CAA, making recommendations to states for meeting the statutory requirements for SIPs for nonattainment areas. *See,* ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clear Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992) (the ''General Preamble''). In the General Preamble, EPA discussed the relationship of subpart 1 and subpart 4 SIP requirements, and pointed out that subpart 1 requirements were to an extent ''subsumed by, or integrally related to, the more specific PM_{10} requirements.'' 57 FR 13538 (April 16, 1992). These subpart 1 requirements include, among other things, provisions for attainment demonstrations, reasonably available control measures (RACM), reasonable further progress (RFP), emissions inventories, and contingency measures.

EPA has long interpreted the provisions of part D, subpart 1 of the Act (sections 171 and 172) as not requiring the submission of RFP for an area already attaining the ozone NAAQS. For an area that is attaining, showing that the State will make RFP towards attainment ''will, therefore, have no meaning at that point.'' 57 FR at 13564. *See* 71 FR 40952 and 71 FR 63642 (proposed and final determination of attainment for San Joaquin Valley); 75 FR 13710 and 75 FR 27944 (proposed and final determination of attainment for Coso Junction).

Section 189(c)(1) of subpart 4 states that:

> Plan revisions demonstrating attainment submitted to the Administrator for approval under this subpart shall contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate reasonable further progress, as defined in section [section 171(1)] of this title, toward attainment by the applicable date.

With respect to RFP, section 171(1) states that, for purposes of part D, RFP ''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), the ozone-specific RFP requirements of sections 182(b) and (c), or the specific RFP requirements for PM_{10} areas of part D, subpart 4, section 189(c)(1), the stated purpose of RFP is to ensure attainment by the applicable attainment date.

Although section 189(c) states that revisions shall contain milestones which are to be achieved until the area is redesignated to attainment, such milestones are designed to show reasonable further progress ''toward attainment by the applicable attainment date,'' as defined by section 171. Thus, it is clear that once the area has attained the standard, no further milestones are necessary or meaningful. This interpretation is supported by language in section 189(c)(3), which mandates that a State that fails to achieve a milestone must submit a plan that assures that the State will achieve the next milestone or attain the NAAQS if there is no next milestone. Section 189(c)(3) assumes that the requirement to submit and achieve milestones does not continue after attainment of the NAAQS.

In the General Preamble, we noted with respect to section 189(c) that the purpose of the milestone requirement ''is 'to provide for emission reductions adequate to achieve the standards by the applicable attainment date' (H.R. Rep. No. 490, 101st Cong., 2d Sess. 267 (1990)).'' 57 FR 13539 (April 16, 1992). If an area has in fact attained the standard, the stated purpose of the RFP requirement will have already been fulfilled.[13]

Similarly, the requirements of section 189(c)(2) with respect to milestones no longer apply so long as an area has attained the standard. Section 189(c)(2) provides in relevant part that:

> Not later than 90 days after the date on which a milestone applicable to the area occurs, each State in which all or part of such area is located shall submit to the Administrator a demonstration * * * that the milestone has been met.

Where the area has attained the standard and there are no further milestones, there is no further requirement to make a submission showing that such milestones have been met. This is consistent with the position that EPA took with respect to the general RFP requirement of section 172(c)(2) in the April 16, 1992 General Preamble and also in the May 10, 1995 Seitz memorandum[14] with respect to the requirements of section 182(b) and (c). In the May 10, 1995 Seitz memorandum, EPA also noted that section 182(g), the milestone requirement of subpart 2, which is analogous to provisions in section 189(c), is suspended upon a determination that an area has attained. The memorandum, also citing additional provisions related to attainment demonstration and RFP requirements, stated:

> Inasmuch as each of these requirements is linked with the attainment demonstration or RFP requirements of section 182(b)(1) or 182(c)(2), if an area is not subject to the requirement to submit the underlying attainment demonstration or RFP plan, it need not submit the related SIP submission either.

[13] Thus, we believe that it is a distinction without a difference that section 189(c)(1) speaks of the RFP requirement as one to be achieved until an area is ''redesignated attainment,'' as opposed to section 172(c)(2), which is silent on the period to which the requirement pertains, or the ozone nonattainment area RFP requirements in sections 182(b)(1) or 182(c)(2), which refer to the RFP requirements as applying until the ''attainment date,'' since section 189(c)(1) defines RFP by reference to section 171(1) of the Act. Reference to section 171(1) clarifies that, as with the general RFP requirements in section 172(c)(2) and the ozone-specific requirements of section 182(b)(1) and 182(c)(2), the PM-specific requirements may only be required ''for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' 42 U.S.C. 7501(1). As discussed in the text of this rulemaking, EPA interprets the RFP requirements, in light of the definition of RFP in section 171(1), and incorporated in section 189(c)(1), to be a requirement that no longer applies once the standard has been attained.

[14] Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' dated May 10, 1995 (''Seitz memorandum'').

1995 Seitz memorandum at 5.

With respect to the attainment demonstration requirements of section 172(c) and section 189(a)(1)(B), an analogous rationale leads to the same result. Section 189(a)(1)(B) requires that the plan provide for ''a demonstration (including air quality modeling) that the [SIP] will provide for attainment by the applicable attainment date . . ..'' As with the RFP requirements, if an area is already monitoring attainment of the standard, EPA believes there is no need for an area to make a further submission containing additional measures to achieve attainment. This is also consistent with the interpretation of the section 172(c) requirements provided by EPA in the General Preamble, the Page memorandum,[15] and the section 182(b) and (c) requirements set forth in the Seitz memorandum. As EPA stated in the General Preamble, no other measures to provide for attainment would be needed by areas seeking redesignation to attainment since ''attainment will have been reached.'' 57 FR at 13564.

Other SIP submission requirements are linked with these attainment demonstration and RFP requirements, and similar reasoning applies to them. These requirements include the contingency measure requirements of sections 172(c)(9). We have interpreted the contingency measure requirements of section 172(c)(9) (and section 182(c)(9) for ozone) as no longer applying when an area has attained the standard because those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' 57 FR at 13564; Seitz memorandum, pp. 5–6.

CAA section 172(c)(9) provides that SIPs in nonattainment areas ''shall provide for the implementation of specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the [NAAQS] by the attainment date applicable under this part. Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State or [EPA].'' This contingency measure requirement is inextricably tied to the reasonable further progress and attainment demonstration requirements. Contingency measures are implemented if reasonable further progress targets are not achieved, or if attainment is not realized by the attainment date. Where an area has already achieved attainment by the attainment date, it has no need to rely on contingency measures to come into attainment or to make further progress to attainment. As EPA stated in the General Preamble: ''The section 172(c)(9) requirements for contingency measures are directed at ensuring RFP and attainment by the applicable date.'' *See* 57 FR 13564. Thus these requirements no longer apply when an area has attained the standard.

Both sections 172(c)(1) and 189(a)(1)(C) require ''provisions to assure that reasonably available control measures'' (i.e., RACM) are implemented in a nonattainment area. The General Preamble, 57 FR at 13560 (April 16, 1992), states that EPA interprets section 172(c)(1) so that RACM requirements are a ''component'' of an area's attainment demonstration. Thus, for the same reason the attainment demonstration no longer applies by its own terms, the requirement for RACM no longer applies. EPA has consistently interpreted this provision to require only implementation of potential RACM measures that could contribute to reasonable further progress or to attainment. General Preamble, 57 FR at 13498. Thus, where an area is already attaining the standard, no additional RACM measures are required.[16] EPA is interpreting section 189(a)(1)(C) consistent with its interpretation of section 172(c)(1).

The suspension of the obligations to submit SIP revisions concerning these RFP, attainment demonstration, RACM, contingency measures and other related requirements exists only for as long as the area continues to monitor attainment of the standard. If EPA determines, after notice-and-comment rulemaking, that the area has monitored a violation of the NAAQS, the basis for the requirements being suspended would no longer exist. In that case, the area would again be subject to a requirement to submit the pertinent SIP revision or revisions and would need to address those requirements. Thus, a final determination that the area need not submit one of the pertinent SIP submittals amounts to no more than a suspension of the requirements for so long as the area continues to attain the standard. Only if and when EPA redesignates the area to attainment would the area be relieved of these submission obligations. Attainment determinations under the Clean Data Policy do not shield an area from obligations unrelated to attainment in the area, such as provisions to address pollution transport.

As set forth above, based on our proposed determination that the West Central Pinal area is currently attaining the 2006 24-hour $PM_{2.5}$ NAAQS, we propose to find that the obligations to submit planning provisions to meet the requirements for an attainment demonstration, reasonable further progress plans, reasonably available control measures, contingency measures are suspended for so long as the area continues to monitor attainment of the 2006 24-hour $PM_{2.5}$ NAAQS. If in the future, EPA determines after notice-and-comment rulemaking that the area again violates the 2006 24-hour $PM_{2.5}$ NAAQS, the basis for suspending the attainment demonstration, RFP, RACM, and contingency measure obligations would no longer exist.

V. EPA's Proposed Action and Request for Public Comment

EPA proposes to determine, based on the most recent three years of complete, quality-assured, and certified data meeting the requirements of 40 CFR part 50, appendix N, that the West Central Pinal area is currently attaining the 2006 24-hour $PM_{2.5}$ NAAQS. In conjunction with and based upon our proposed determination that West Central Pinal has attained and is currently attaining the standard, EPA proposes to determine that the obligation to submit the following attainment-related planning requirements is not applicable for so long as the area continues to attain the 2006 24-hour $PM_{2.5}$ standard: The part D, subpart 4 obligations to provide an attainment demonstration pursuant to section 189(a)(1)(B), the RACM provisions of section 189(a)(1)(C), the RFP provisions of section 189(c), and related attainment demonstration, RACM, RFP and contingency measure provisions requirements of subpart 1, section 172. This proposed action, if finalized, would not constitute a redesignation to attainment under CAA section 107(d)(3).

EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. We will accept comments from the public on this proposal for the next 30 days. We will consider these comments before taking final action.

[15] Memorandum from Stephen Page, Director, EPA Office of Air Quality Planning and Standards, ''Clean Data Policy for the Fine Particle National Ambient Air Quality Standards,'' December 14, 2004 (''Page memorandum'').

[16] EPA's interpretation that the statute requires implementation only of RACM measures that would advance attainment was upheld by the United States Court of Appeals for the Fifth Circuit (*Sierra Club* v. *EPA,* 314 F.3d 735, 743–745 (5th Cir. 2002), and by the United States Court of Appeals for the D.C. Circuit (*Sierra Club* v. *EPA,* 294 F.3d 155, 162–163 (D.C. Cir. 2002)).

VI. Statutory and Executive Order Reviews

This action proposes to make a determination of attainment based on air quality and to suspend certain federal requirements, and thus, would not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed action does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP obligations discussed herein do not apply to Indian Tribes and thus this proposed action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Nitrogen oxides, Sulfur oxides, Reporting and recordkeeping requirements.

Dated: June 26, 2013.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2013–16760 Filed 7–11–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 423

[EPA–HQ–OW–2009–0819. FRL–9832–7; EPA–HQ–RCRA–2013–0209]

RIN 2040–AF14

Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule, extension of public-comment period.

SUMMARY: The EPA is extending the period for providing comments on the proposed rule entitled, ''Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category,'' published in the **Federal Register** on June 7, 2013, by 45 days.

DATES: *Comments.* The public-comment period for the proposed rule published June 7, 2013, (78 FR 34432) is being extended by 45 days to September 20, 2013, in order to provide the public additional time to submit comments and supporting information.

ADDRESSES: *Comments.* Written comments on the proposed rule may be submitted to the EPA electronically, by mail, by facsimile or through hand delivery/courier. Please refer to the proposal (78 FR 34432) for the addresses and detailed instructions.

Docket. Publically available documents relevant to this action are available for public inspection either electronically at *http://www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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 Water Docket is 202–566–2426. The EPA has established the official public docket No. EPA–HQ–OW–2009–0819.

FOR FURTHER INFORMATION CONTACT: For technical information, contact Jezebele Alicea-Virella, Engineering and Analysis Division, Telephone: 202–566–1755; Email: *alicea.jezebele@epa.gov.* For economic information, contact James Covington, Engineering and Analysis Division, Telephone: 202–566–1034; Email: *covington.james@epa.gov.*

SUPPLEMENTARY INFORMATION:

Comment Period

In response to requests from stakeholders, the EPA is extending the previously announced public-comment period by 45 days. The public-comment period will end on September 20, 2013, rather than August 6, 2013.

List of Subjects in 40 CFR Part 423

Environmental protection, Electric power generation, Power plants, Waste treatment and disposal, Water pollution control.

Dated: July 3, 2013.

Ellen Gilinsky,

Acting Assistant Administrator.

[FR Doc. 2013–16774 Filed 7–11–13; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 78, No. 134

Friday, July 12, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0076]

Plants for Planting Whose Importation Is Not Authorized Pending Pest Risk Analysis; Notice of Availability of Data Sheets for Taxa of Plants for Planting That Are Quarantine Pests or Hosts of Quarantine Pests

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments; reopening of comment period.

SUMMARY: We are reopening the comment period for a notice that made available to the public data sheets detailing the scientific evidence we evaluated in making the determination that certain taxa of plants for planting are quarantine pests or hosts of quarantine pests and, therefore, should be added to our lists of plants for planting whose importation is not authorized pending pest risk analysis. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the notice published May 6, 2013 (78 FR 26316) is reopened. We will consider all comments that we receive on or before August 12, 2013.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2012-0076-0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2012–0076, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0076* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Tschanz, Senior Regulatory Policy Specialist, Plants for Planting Policy, RPM, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2179.

SUPPLEMENTARY INFORMATION: On May 6, 2013, we published in the **Federal Register** (78 FR 26316–26317, Docket No. APHIS–2012–0076) a notice that made available to the public data sheets detailing the scientific evidence we evaluated in making the determination that certain taxa of plants for planting are quarantine pests or hosts of quarantine pests and, therefore, should be added to our lists of plants for planting whose importation is not authorized pending pest risk analysis.

Comments on the notice were required to be received on or before July 5, 2013. We are reopening the comment period on Docket No. APHIS–2012–0076 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments. We will also consider all comments received between July 6, 2013 (the day after the close of the original comment period) and the date of this notice.

Authority: 7 U.S.C. 450 and 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 26th day of June, 2013.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–16722 Filed 7–11–13; 8:45 am]

BILLING CODE 3410–34–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: July 25, 2013, 9:30 a.m.–4:30 p.m. EDT.

PLACE: Ronald Reagan Building and International Trade Center, Horizon Room, 1300 Pennsylvania Avenue NW., Washington, DC 20004.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on Thursday, July 25, 2013, starting at 9:30 a.m. EDT at the Ronald Reagan Building and International Trade Center, Horizon Room, 1300 Pennsylvania Avenue NW., Washington, DC 20004. Between 9:30 a.m. and 12:15 p.m., the Board will consider and vote on the status designations of the following three recommendations issued by the CSB to the U.S. Occupational Safety and Health Administration: (1) 2001–05–I–DE–1 (revision of Process Safety Management standard to clarify coverage of atmospheric storage tanks connected to process vessels); (2) 2005–04–I–TX–9 (revision of Process Safety Management standard to require management of change reviews for certain organizational changes); and (3) 2010–07–I–CT–1 (issuance of a general industry and construction standards for fuel gas safety).

Beginning at 1:30 p.m. EDT, the Board will consider and vote on the status designations of four recommendations related to the issuance of a general industry standard for combustible dusts as follows (1) 2006–1–H–R1 (from Combustible Dust Study); (2) 2008–5–I–GA–R11 (from Imperial Sugar report); (3) 2011–4–I–TN– and (4) 2011–4–I–TN–R2 (from Hoeganaes case study), and possibly other items at the discretion of the Chair.

This notice is to provide information to the public concerning the matters related to the seven recommendations to OSHA listed above, which will be considered during the meeting. At the meeting, the staff will present their evaluations of the implementation of these seven recommendations. Following the staff presentations in the morning and afternoon, the Board will hear brief statements from OSHA, interested stakeholders, and the public. The Board will consider these analyses and vote on the status to assign to each recommendation according to Board Order 22 [*http://www.csb.gov/assets/Record/BO_22.pdf.*].

In addition, at this meeting, the CSB will also consider the potential

designation of a general industry standard for combustible dust as a ''Most Wanted Chemical Safety Improvement'' issue under Board Order 46 [*http://www.csb.gov/assets/Record/Order_046_(06122012).pdf*].

The following section contains summaries of the staff evaluations for the recommendations that will be presented to the Board for consideration.

SUPPLEMENTARY INFORMATION:

Recommendation to the U.S. Occupational Safety and Health Administration 2001–05–I–DE–1

Recommendation Text

Ensure coverage under the Process Safety Management Standard (29 CFR 1910.119) of atmospheric storage tanks that could be involved in a potential catastrophic release as a result of being interconnected to a covered process with 10,000 pounds of a flammable substance.

Rationale for Recommendation

The recommendation followed a fatal explosion involving a poorly maintained and corroded atmospheric aboveground tank containing spent sulfuric acid and flammable hydrocarbons at the Motiva Enterprises refinery in Delaware City in July 2001. The company considered the tank to be exempt from the OSHA Process Safety Management standard under the 1997 *Meer* decision. This decision was issued by an administrative law judge of the U.S. Occupational Safety and Health Review Commission. The decision, exempts from PSM coverage, ''flammable liquids stored in atmospheric tanks or transferred which are kept below their normal boiling point without benefit of chilling or refrigeration.'' The CSB Motiva investigation concluded that if Motiva had adhered to a PSM standard requirements for the tank, the accident could have been avoided.

Summary of OSHA Response to the Recommendation

OSHA does not agree that it is necessary to revise the PSM standard in order to clarify the issues of coverage of tanks connected to processes. As an alternative, OSHA reported to the CSB in 2003 that it would issue a revised PSM Compliance Directive that would clarify to all its compliance officers and to the regulated parties that tanks like the one at Motiva (which OSHA contended had a process function as well as a storage function) were covered under PSM. To date, however, OSHA has not revised its compliance directive. An August 2012 communication from the Assistant Secretary projected completion of a revision in 6–9 months, and the agency's Spring 2013 regulatory agenda indicates that it is considering ''clarifying the PSM exception for atmospheric storage tanks'' as part of a broader revision of its PSM standard, 29 CFR 1910.119.

Summary Evaluation

Because ten years have passed and OSHA has yet to take any regulatory or other actions which would address the intent of the recommendation, CSB staff propose that the Board vote to designate Recommendation 2001–5–I–DE–R1 with the status ''Open-Unacceptable Response.''

Recommendation to the U.S. Occupational Safety and Health Administration 2005–04–I–TX–R9

Recommendation Text

Amend the OSHA PSM standard to require that a management of change (MOC) review be conducted for organizational changes that may impact process safety including:

(a) Major organizational changes such as mergers, acquisitions, or reorganizations;

(b) Personnel changes, including changes in staffing levels or staff experience; and

(c) Policy changes, such as budget cutting.

Rationale for Recommendation

The CSB investigation of the 2005 explosions and fire at the former BP refinery in Texas City, Texas revealed that poorly managed corporate mergers, leadership and organizational changes, and budget cuts increased the risk of catastrophic accidents at the site. The CSB also noted that a 2002 survey revealed that organizational change was assessed in the Management of Change (MOC) programs of only forty-four percent (44%) of chemical processing companies, strongly suggesting that assessment of such organizational factors are not widely used in the industry. While OSHA's Process Safety Management (PSM) standard (29 CFR 1910.119) requires MOC analyses for changes to ''process chemicals, technology, equipment, procedures; and, changes to facilities that affect a covered process,'' the CSB concluded that it does not explicitly require that employers conduct MOC reviews for organizational, personnel and policy changes that could affect process safety. Consequently, the CSB recommended that OSHA amend the PSM standard to clarify that MOC reviews must be conducted for organizational, personnel, and policy changes that may impact process safety.

Summary of OSHA Response to the Recommendation

OSHA responded that the PSM standard already requires employers to develop and implement MOC reviews to determine the adequacy of all contemplated changes with respect to their safety and health impacts as they relate to ''process chemicals, technology, equipment, procedures, and facilities.'' In OSHA's view, these are the types of changes encompassed by the CSB recommendation. In addition, OSHA sent a memorandum to all Regional Administrators to clarify this policy with regard to the coverage of organizational changes under the PSM's management of change requirements. The policy clarification was to be provided to OSHA's compliance officers. OSHA's Spring 2013 regulatory agenda indicates that the agency is considering expanding the scope of its PSM standard to ''require greater organizational management of change from employers.''

Summary Evaluation

A policy memorandum to OSHA Regional Administrators is not the permanent regulatory change envisioned by the Board, which sought an explicit change in the requirements of the standard through through rulemaking procedures. For this reason, staff propose that the Board vote to designate Recommendation 2005–04–I–TX–R9 with the status: ''Open—Unacceptable Response.''

Urgent Recommendation to the U.S. Occupational Safety and Health Administration 2010–07–I–CT–UR1

Recommendation Text

Promulgate regulations that address fuel gas safety for both construction and general industry. At a minimum:

a. Prohibit the release of flammable gas to the atmosphere for the purpose of cleaning fuel gas piping.

b. Prohibit flammable gas venting or purging indoors. Prohibit venting or purging outdoors where fuel gas may form a flammable atmosphere in the vicinity of workers and/or ignition sources.

c. Prohibit any work activity in areas where the concentration of flammable gas exceeds a fixed low percentage of the lower explosive limit (LEL) determined by appropriate combustible gas monitoring.

d. Require that companies develop flammable gas safety procedures and training that involves contractors, workers, and their representatives in decision-making.

Rationale for Recommendation

The CSB investigated two natural gas explosions (Kleen Energy Natural Gas Explosion and ConAgra Natural Gas Explosion and Ammonia Release) and concluded that the fire and explosion hazards of releasing flammable gas in the presence of workers and ignition sources can be largely or entirely avoided through the use of currently available inherently safer methods than those currently in use in most workplaces. These CSB reports focused particularly on the hazards of gas purging in industrial establishments and ''gas blows'' conducted during the construction of gas-fired power plants; reports of these investigations can be found in the CSB Web page (*www.csb.gov*). The CSB also found that OSHA has three gas-specific standards for flammable gases that are used far less frequently in the workplace than natural gas. These existing gas standards apply to liquefied petroleum gases (propane and butane, 1910.110), hydrogen (1910.103) and acetylene (1910.102). Yet the Agency has no comprehensive fuel gas safety standard, despite the fact that fuel gases pose serious explosion and fire hazards and are in much more widespread use in OSHA-regulated workplaces.

Summary of OSHA Response to the Recommendation

OSHA's initial response to the recommendation described several forceful enforcement actions affecting the industry sector conducting ''gas blows'' during the construction of power plants—which the CSB commended—but stated only that it would ''consider'' a new fuel gas standard during its next regulatory review. In a subsequent notification, however, OSHA reported that it did not ''believe this is the appropriate time to initiate the regulatory process.'' Briefly stated, OSHA indicated that ''the most prudent approach for OSHA is to monitor the implementation'' of two recently revised NFPA standards and ''evaluate their effectiveness at controlling the targeted hazards, and then determine if additional rulemaking is necessary to protect workers.'' Moreover, OSHA did not include fuel gas rulemaking in the Agency's most recent regulatory agenda (Spring 2013), indicating that it has no current intention to begin rulemaking in this arena.

Summary Evaluation

Per 42 U.S.C. 7412(6)(J), OSHA must inform the CSB within 180 days whether it will initiate rulemaking (and provide a timetable), or not initiate rulemaking (and explain why). OSHA's latest response to the CSB recommendation indicates that the agency does not currently intend to pursue rulemaking, and provides a rationale for this decision.

CSB's Board Order 22 obligates staff to recommend an ''Open- Unacceptable Response'' status for urgent recommendations that ''[have] not been responded to in an acceptable manner within 6 months and [are] not at a point where completion is imminent.'' In this case, OSHA's apparently indefinite postponement of any regulatory action on fuel gases is inconsistent with the intent of the recommendation and staff propose that the Board vote to change the status of Recommendation 2010–07–I–CT–UR1 to ''Open-Unacceptable Response.''

Recommendations to the U.S. Occupational Safety and Health Administration Related to the Prevention of Combustible Dust Fires and Explosions

Recommendation Text

Recommendation 2006–1–H–R1 (from the Combustible Dust Hazard Investigation Study):

> Issue a standard designed to prevent combustible dust fires and explosions in general industry. Base the standard on current National Fire Protection Association (NFPA) dust explosion standards (including NFPA 654 and NFPA 484), and include at least—hazard assessment,—engineering controls,—housekeeping,—building design,—explosion protection,—operating procedures, and—worker training.

Recommendation 2008–5–I–GA–R11 (from the Imperial Sugar report):

> Proceed expeditiously, consistent with the Chemical Safety Board's November 2006 recommendation and OSHA's announced intention to conduct rulemaking, to promulgate a comprehensive standard to reduce or eliminate hazards from fire and explosion from combustible powders and dust.

Recommendation 2011–4–I–TN–R1 (from the Hoeganaes case study):

> Ensure that the forthcoming OSHA Combustible Dust Standard includes coverage for combustible metal dusts including iron and steel powders.

Recommendation 2011–4–I–TN–R2 (from the Hoeganaes case study):

> Develop and publish a proposed combustible dust standard for general industry within one year of the approval of this case study.

Rationale for Recommendations

After investigating three deadly combustible dust accidents that claimed the lives of fourteen workers in 2003, the CSB conducted a comprehensive combustible dust hazard investigation study. Released in late 2006, the study concluded that voluntary consensus standards and enhanced regulatory enforcement efforts are insufficient to prevent dust fires and explosions that occur across a broad range of industries. The CSB therefore recommended that OSHA issue a combustible dust general industry standard. In 2009, after investigating the catastrophic sugar dust explosions at the Imperial Sugar Refinery in Port Wentworth, Georgia that killed 14 workers, the CSB issued a second recommendation calling on OSHA to ''proceed expeditiously'' with the rulemaking. In 2011, following its investigation of three iron dust-related incidents at the Hoeganaes Corporation facility in Gallatin, Tennessee, that killed five workers, the CSB issued two more recommendations to OSHA regarding the dust rulemaking: one calling for the inclusion of metal dust in the scope of the standard, and a second calling for issuance of a proposed rule within one year.

Summary of OSHA Response to the Recommendations

Initially resistant to the CSB's recommendation to develop a new standard, in October 2007, OSHA launched a National Emphasis Program to improve regulatory enforcement in workplaces handling combustible dust. The program was revised and reissued in March 2008 to better target affected industries. That same month, OSHA distributed a combustible dust Safety and Health Information Bulletin (SHIB) to approximately 30,000 workplaces within industries with potential dust hazards.

In April 2009, OSHA indicated that it would commence a combustible dust rulemaking, and issued an Advanced Notice of Proposed Rulemaking in the **Federal Register** in October 2009. That winter, OSHA held a series of stakeholder meetings, but twice postponed the next step in the rulemaking process, the Small Business Regulatory Enforcement Fairness Act (SBREFA) Panel Review. In May 2011, OSHA held a Combustible Dust Expert Forum in May 2011. In January 2012, shortly after the release of CSB's most recent recommendations to the agency, OSHA released its Fall 2011 Semiannual Regulatory Agenda, which indicated that an estimated date for the next step in the rulemaking process was ''undetermined.'' OSHA reiterated its commitment to developing a standard, however, in a June 14, 2012 letter to the CSB, and its most recent Semiannual

Regulatory Agenda estimates that the SBREFA Panel Review will be held in October 2013.

Summary Evaluation

OSHA has initiated a rulemaking to issue a combustible dust standard and continues to undertake noteworthy and important regulatory enforcement and educational efforts to prevent and control combustible dust hazards in the workplace. The federal rulemaking process is complex; however, a combustible dust general industry standard is urgently needed to prevent future fires and explosions from claiming the lives of American workers. In addition, more than six years have passed since the CSB first issued a recommendation for this standard. Therefore, staff propose that the Board vote to designate all four recommendations with the status: ''Open-Unacceptable Response.''

No factual analyses, conclusions, or findings presented by staff should be considered final. Only after the Board has considered the staff presentations and voted to approve a change in status of the recommendation should that status be considered final.

Additional Information

The meeting will be free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the ''Contact Person for Further Information,'' at least five business days prior to the meeting.

The CSB is an independent federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

PUBLIC COMMENT: Members of the public are invited to make brief statements to the Board at the conclusion of the staff presentations in the morning and afternoon. The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to five minutes or less, and may submit written statements for the record.

FOR FURTHER INFORMATION CONTACT: Hillary J. Cohen, Communications Manager, *hillary.cohen@csb.gov* or (202) 446–8094. General information about the CSB can be found on the agency Web site at: *www.csb.gov.*

Rafael Moure-Eraso,

Chairperson.

[FR Doc. 2013–16838 Filed 7–10–13; 4:15 pm]

BILLING CODE 6350–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–27–2013]

Foreign-Trade Zone 161—Sedgwick County, Kansas; Authorization of Production Activity; Siemens Energy, Inc. (Wind Turbine Nacelles and Hubs); Hutchinson, Kansas

On March 7, 2013, Siemens Energy, Inc., an operator of FTZ 161, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 20888, April 8, 2013). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: July 8, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–16784 Filed 7–11–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–25–2013]

Foreign-Trade Zone 39—Dallas-Fort Worth, Texas; CSI Calendering, Inc. (Rubber Coated Textile Fabric); Arlington, Texas

On March 4, 2013, the Dallas/Fort Worth International Airport Board, grantee of FTZ 39, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of CSI Calendering, Inc., in Arlington, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 18314, March 26, 2013). Pursuant to Section 400.37, the FTZ Board has determined that further review is warranted and has not authorized the proposed activity. If the applicant wishes to seek authorization for this activity, it will need to submit an application for production authority, pursuant to Section 400.23.

Dated: July 5, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–16777 Filed 7–11–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC008

Endangered and Threatened Species; Recovery Plans

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

ACTION: Notice of availability.

SUMMARY: We, NMFS, announce the adoption of an Endangered Species Act (ESA) recovery plan for Lower Columbia River Chinook salmon (*Oncoryhnchus tschawytscha*), Lower Columbia coho salmon (*O. kisutch*), and Columbia River chum salmon (*O. keta*) evolutionarily significant units (ESUs) and the Lower Columbia River steelhead (*O. mykiss*) distinct population segment (DPS), all of which are listed as threatened under the ESA. The geographic area covered by the plan is the Lower Columbia River mainstem and tributaries downstream of (and including) the White Salmon River in Washington and the Hood River in Oregon. As required by the ESA, the plan contains objective, measurable delisting criteria, site-specific management actions necessary to achieve the plan's goals, and estimates of the time and costs required to implement recovery actions. The *Endangered Species Act (ESA) Recovery Plan for Lower Columbia River Chinook Salmon, Lower Columbia River Coho Salmon, Columbia River Chum Salmon, and Lower Columbia River Steelhead* (Plan) and our summary of and responses to public comments on the Proposed Plan are now available.

ADDRESSES: Electronic copies of the Plan and a summary of and response to public comments on the Proposed Plan are available on-line at *http://www.nwr.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/lower_columbia_river/lower_columbia_river_recovery_plan_for_salmon_steelhead.html.* A CD–ROM

of these documents can be obtained by emailing a request to *kelly.gallivan@noaa.gov* with the subject line ''CD ROM Request for Lower Columbia Recovery Plan'' or by writing to NMFS Protected Resources Division, National Marine Fisheries Service, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Dr. Scott Rumsey, Branch Chief, Protected Resources Division, at (503) 872–2791, *scott.rumsey@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

We are responsible for developing and implementing recovery plans for Pacific salmon and steelhead listed under the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*). Recovery means that the listed species and their ecosystems are sufficiently restored, and their future secured, to a point that the protections of the ESA are no longer necessary. Section 4(f)(1) of the ESA requires that recovery plans include, to the extent practicable: (1) Objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goals; and (3) estimates of the time required and costs to implement recovery actions.

We believe it is essential to have local support of recovery plans by those whose activities directly affect the listed species and whose continued commitment and leadership will be needed to implement the necessary recovery actions. We therefore support and participate in locally led, collaborative efforts to develop salmon and steelhead recovery plans that involve state, tribal, and Federal entities, local communities, and other stakeholders. We review locally developed recovery plans to ensure that they satisfy the ESA requirements. We make the recovery plans, along with any additional plan elements needed to satisfy the ESA requirements, available for public review and comment before finalizing and formally adopting them as ESA recovery plans.

In the Lower Columbia River, four salmon and steelhead species are listed as threatened: Lower Columbia River Chinook salmon, Lower Columbia River coho salmon, Columbia River chum salmon, and Lower Columbia River steelhead.

Three geographically based, locally developed plans each address a different portion of these species' range. NMFS' science center and regional office staff were closely involved in the development of these local plans. We have reviewed the final versions of these local plans and have developed an ESU/DPS-level plan that synthesizes the local plans, incorporates them as appendices, and provides all additional material needed to meet the ESA requirements. We have determined that this *ESA Recovery Plan for Lower Columbia River Chinook Salmon, Lower Columbia River Coho Salmon, Columbia River Chum Salmon, and Lower Columbia River Steelhead* meets the statutory requirements for a recovery plan and are adopting it as the ESA recovery plan for these four threatened species.

Development of the Plan

The initial technical foundation for this Plan was developed by the Willamette-Lower Columbia Technical Recovery Team. NMFS appointed Technical Recovery Teams to provide a solid scientific foundation for recovery plans. Scientists on these teams were nominated because of their geographic and species expertise. The Willamette-Lower Columbia Technical Recovery Team included biologists from NMFS, other federal agencies, states, tribes, academic institutions, and the private sector.

A primary task for all the Technical Recovery Teams was to recommend criteria for determining when each component population with an ESU or DPS should be considered viable (*i.e.,* when they have a low risk of extinction over a 100-year period) and when ESUs and DPSs have a risk of extinction consistent with no longer needing the protections of the ESA. All Technical Recovery Teams used the same biological principles for developing these recommendations; these principles are described in the NOAA technical memorandum *Viable Salmonid Populations and the Recovery of Evolutionarily Significant Units* (McElhany *et al.* 2000).

We also worked with state, tribal, local, and other federal entities to develop planning forums that built on ongoing locally led recovery efforts. We defined ''management units'' for these local efforts, based on jurisdictional boundaries as well as areas where discrete local planning efforts were under way. A recovery plan was developed for each management unit, either led by local groups with strong NMFS participation, or led by NMFS with extensive local participation. Management unit recovery planners adopted and built upon the work of the Technical Recovery Teams. The management unit plans for the Lower Columbia River Basin, which are incorporated as Appendices A through C of this Plan, are as follows:

(1) Oregon Management Unit: The recovery plan for the Oregon management unit covers the portions of the Lower Columbia salmon ESUs and steelhead DPS that occur within Oregon. The Oregon Department of Fish and Wildlife (ODFW) led development of this plan in collaboration with NMFS and numerous stakeholders. The *Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead* (ODFW 2010) is incorporated into this Plan as Appendix A.

(2) Washington Management Unit: The recovery plan for the Washington management unit covers the portions of the Lower Columbia salmon ESUs and steelhead DPS that occur in Washington within the planning area of the Lower Columbia Fish Recovery Board (LCFRB). The LCFRB was established by Washington State statute in 1998 to oversee and coordinate salmon and steelhead recovery efforts in the Lower Columbia region of Washington. The LCFRB led a collaborative process to develop the *Washington Lower Columbia Salmon Recovery and Fish & Wildlife Subbasin Plan (LCFRB 2010).* In February 2006 we approved the December 2004 version of the LCFRB plan as an interim regional recovery plan for the Washington management unit of the listed Lower Columbia River salmon ESUs and steelhead DPS. In May 2010, the LCFRB completed a revision of its earlier plan. That revised version is incorporated into this Plan as Appendix B.

(3) White Salmon Management Unit: In the absence of an existing local planning forum for salmon recovery, we led the development of the White Salmon management unit plan in cooperation with local stakeholders. The plan covers the portions of the Lower Columbia Chinook, coho, and chum salmon ESUs that occur in the White Salmon River subbasin (Washington). The Lower Columbia steelhead DPS does not occur in the White Salmon River subbasin. (However, the White Salmon management unit plan does cover a steelhead population that is part of the Middle Columbia River Steelhead DPS, which is addressed in NMFS' *Middle Columbia River Steelhead Distinct Population Segment ESA Recovery Plan* [2009]). The *ESA Salmon Recovery Plan for the White Salmon River Subbasin* (NMFS 2011a) is incorporated into this Plan as Appendix C.

After the management unit plans were completed, we developed an ESU/DPS-

level document that synthesizes material from the management unit plans to demonstrate that recovery needs are being addressed at the ESU and DPS levels. We also incorporated delisting criteria into the Plan. In addition, to address recovery needs in the Lower Columbia River mainstem and estuary, we developed and incorporated the *Columbia River Estuary ESA Recovery Plan Module for Salmon and Steelhead* (NMFS 2011b) as Appendix D of this Plan. To address recovery needs related to the Columbia River Hydropower System, we incorporated the *Recovery Plan Module: Mainstem Columbia River Hydropower Projects* (NMFS 2008) as Appendix E of this Plan.

Contents of Plan

The ESU/DPS-level portion of the Plan contains background and contextual information that includes descriptions of the ESUs and DPS addressed, the planning area, and the context of the plan's development. It presents relevant information on ESU and DPS structure, guidelines for assessing salmonid population and ESU/DPS-level status, and brief summaries of the Willamette-Lower Columbia Technical Recovery Team's products. It also contains summaries of the management unit plans' recovery goals, NMFS' delisting criteria for the ESUs and DPS, and a description of the methods used in the management unit plans to develop the principal plan components.

For each species addressed, the Plan also summarizes the results of the management unit plan analyses and presents specific information on the following: population status; limiting factors and threats that have contributed to population declines; estimates of the impacts of six main categories of threats on population productivity; and a scenario of reductions in each of those threats that, if achieved, would likely improve the persistence probability of each population to a level consistent with recovery goals for the ESU or DPS.

In addition, the Plan describes recovery strategies and actions for each ESU/DPS, critical uncertainties, and research, monitoring, and evaluation needs. It explains how management unit planners developed site-specific management actions and summarizes the time and costs required to implement those actions. It also describes how implementation, prioritization of actions, and adaptive management will proceed at both the ESU/DPS and management-unit scales. In addition to summary information presented in the Plan, readers are referred to specific sections of the management unit plans (Appendices A through C) and recovery plan modules (Appendices D and E) for more information on all these topics.

How NMFS and Others Expect To Use the Plan

We commit to implementation of the actions in the Plan for which we have authority and funding; encourage other federal and state agencies and tribal governments to implement plan actions for which they have responsibility, authority, and funding; and work cooperatively with the public and local stakeholders on implementation of other actions. We expect the plan to guide us and other federal agencies in evaluating federal actions under ESA section 7, as well as in implementing other provisions of the ESA and other statutes. For example, the plan will provide greater biological context for evaluating the effects that a proposed action may have on a species by providing delisting criteria, information on priority areas for addressing specific limiting factors, and information on how populations within the ESUs and DPS can tolerate varying levels of risk.

When we are considering a species for delisting, we will examine whether the ESA section 4(a)(1) listing factors have been addressed. To assist in this examination, we will use the delisting criteria described in Section 3.2 of the Plan, which include both biological criteria and criteria addressing each of the ESA section 4(a)(1) listing factors, as well as any other relevant data and policy considerations.

At the management unit level, the LCFRB, ODFW, and the Washington Gorge Implementation Team, working with us, will develop implementation schedules that provide greater specificity for recovery actions to be implemented over three- to five-year periods. These entities also will coordinate the implementation of the recovery actions identified in the management unit plans and subsequent implementation schedules, and will track and report on implementation progress. Management unit planners and NMFS staff will work together to coordinate the implementation of recovery actions among federal, state, local, and tribal entities and stakeholders.

Public Comments Solicited

Section 4(f) of the ESA, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided prior to final approval of a recovery plan. Between May 16 and July 16, 2012, we made the Proposed Plan—including the three management unit plans and two recovery plan modules, which were included as appendices—available for public review (77 FR 28855; May 16, 2012). In response to a stakeholder request, the public comment period was reopened between September 7 and October 9, 2012 (77 FR 55191; September 7, 2012).

NMFS received a total of 17 comment letters on the Proposed Plan from a variety of sources, including local, state, and federal entities, tribal governments, nonprofit organizations, and individuals. Comments addressed both the Proposed Plan and the management unit plan for the White Salmon subbasin (NMFS 2013).

We reviewed all comments for substantive issues and new information and have addressed them in a summary available on the Northwest Region Web site (*http://www.nwr.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/lower_columbia_river/proposed_lower_columbia_river_recovery_plan_for_salmon_steelhead.html*). We have revised the Plan and the White Salmon management unit plan as appropriate.

Conclusion

Section 4(f)(1)(B) of the ESA requires that recovery plans incorporate, to the extent practicable, (1) Objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goals; and (3) estimates of the time required and costs to implement recovery actions. We conclude that the Plan meets the requirements of ESA section 4(f) and adopt it as the *ESA Recovery Plan for Lower Columbia River Chinook Salmon, Lower Columbia River Coho Salmon, Columbia River Chum Salmon, and Lower Columbia River Steelhead*. NMFS has reviewed the Plan and public comments. Based on that review, NMFS concludes that the Plan meets the requirements in section 4(f) of the ESA for developing a recovery plan.

Literature Cited

Lower Columbia Fish Recovery Board (LCFRB). 2010. Washington Lower Columbia Salmon Recovery and Fish & Wildlife Subbasin Plan. Lower Columbia Fish Recovery Board, Washington. May 28, 2010.

McElhany, P., M.H. Ruckelshaus, M.J. Ford, T.C. Wainwright, and E.P. Bjorkstedt. 2000. Viable salmon populations and the recovery of evolutionarily significant units. U.S. Dept. of Commerce, NOAA

Tech. Memo., NMFS NWFSC 42, 156 p.
National Marine Fisheries Service (NMFS). 2009. Middle Columbia River Steelhead Distinct Population Segment ESA Recovery Plan. Northwest Region. November 30, 2009.
National Marine Fisheries Service (NMFS). 2011a. Draft ESA Recovery Plan for the White Salmon River Subbasin. Northwest Region. December 2011.
National Marine Fisheries Service (NMFS). 2011b. Columbia River Estuary ESA Recovery Plan Module for Salmon and Steelhead. Northwest Region. Prepared for NMFS by the Lower Columbia River Estuary Partnership (contractor) and PC Trask & Associates, Inc. (subcontractor). January 2011.
Oregon Department of Fish and Wildlife. 2010. Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead. August 6, 2010.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: July 8, 2013.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–16710 Filed 7–11–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC754

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Advisory Panel (AP) will hold a meeting.

DATES: The meeting will be held on Wednesday, August 7, 2013, from 10 a.m. to 4:30 p.m.

ADDRESSES: Caribbean Fishery Management Council Office, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Advisory Panel will meet to discuss the items contained in the following agenda:

August 7, 2013, 10 a.m.—4:30 p.m.

- Call to order
- Adoption of Agenda
- Review the results of the scoping meetings on the Development of Island-Specific Fishery Management Plans for Puerto Rico and the U.S. Virgin Islands:

Action 1: Establish the fishery management units (FMUs) for the comprehensive St. Thomas/St. John fishery management plan (FMP).

Action 2: Revise the species composition of the comprehensive St. Thomas/St. John FMP.

Action 3: Establish management reference points for any new species added to the comprehensive St. Thomas/St. John FMP.

Action 4: Modify or establish additional management measures.

- Recommendations to the CFMC
- Other business

The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. To further accommodate discussion and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice.

The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be subjects for formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice, and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: July 9, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–16723 Filed 7–11–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0649–XC755

South Atlantic Fishery Management Council (Council); Public Meetings

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

ACTION: Notice of public hearing and scoping meetings.

SUMMARY: The South Atlantic Fishery Management Council (SAFMC) will hold a series of public hearing meetings pertaining to: Amendment 5 to the Dolphin Wahoo Fishery Management Plan (FMP); Amendment 14 to the Snapper Grouper FMP; Amendment 8 to the Coral FMP; and Amendments 19 and 20 as well as Framework actions to the Coastal Migratory Pelagics FMP.

DATES: The meetings will be held from August 5, 2013 through August 15, 2013. All meetings will be held from 4 p.m. to 7 p.m.

ADDRESSES:

Meeting Addresses:

1. August 5, 2013: Richmond Hill City Center, 520 Cedar Street, Richmond Hill, GA 31324; telephone: (912) 445–0043.
2. August 6, 2013: Jacksonville Marriott, 4670 Salisbury Road, Jacksonville, FL 32256; telephone: (904) 296–2222.
3. August 7, 2013: Doubletree by Hilton Cocoa Beach Oceanfront, 2080 North Atlantic Avenue, Cocoa Beach, FL 32931; telephone: (321) 783–9222.
4. August 8, 2013: Hilton Key Largo, 97000 Overseas Highway, Key Largo, FL 33037; telephone: (305) 852–5553.
5. August 13, 2013: Hilton Garden Inn, 5265 International Boulevard, North Charleston, SC 29418; telephone: (843) 308–9330.
6. August 15, 2013: Bridge Point Hotel, 101 Howell Road, New Bern, NC 28582; telephone: (252) 636–3637.

Council Address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer,

SAFMC; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net*.

SUPPLEMENTARY INFORMATION: The items of discussion are as follows:

Public Hearing: Amendment 5 to the Dolphin Wahoo FMP

1. This amendment would revise the Allowable Biological Catches (ABCs), Annual Catch Limits (ACLs), Accountability Measures (AMs) and Annual Catch Targets (ACTs) for Dolphin and Wahoo that were implemented through the Comprehensive ACL Amendment.

2. Additionally, the amendment would revise management framework in the Dolphin Wahoo FMP as well as commercial trip limits for Dolphin.

3. Written comments may be directed to Bob Mahood, Executive Director, SAFMC (see Council address) or via email to: *DWAmend5Comments@safmc.net*. Comments will be accepted until 5 p.m. on August 18, 2013.

Public Hearing: Amendment 14 to the Snapper Grouper FMP

1. This amendment would modify the fishing year for Greater Amberjack and Black Sea Bass as well as the commercial fishing seasons for Vermilion Snapper.

2. The amendment would also modify the recreational AMs for Black Sea Bass and Vermilion Snapper as well as the trip limits for the Gag commercial sector.

3. Written comments may be directed to Bob Mahood, Executive Director, SAFMC (see Council address) or via email to: *SGRegAm14Comments@safmc.net*. Comments will be accepted until 5 p.m. on August 18, 2013.

Public Hearing: Amendment 8 to the Coral FMP

1. This amendment includes alternatives for expanding protection of Coral Habitat Areas of Particular Concern (HAPCs) and transit through the Oculina Bank HAPC.

2. Written comments may be directed to Bob Mahood, Executive Director, SAFMC (see Council address) or via email to: *CoralAm8Comments@safmc.net*. Comments will be accepted until 5 p.m. on August 18, 2013.

Public Hearing: Amendments 19 and 20 and Framework Actions to the Coastal Migratory Pelagics (CMP) FMP

1. Amendment 19 is a joint Gulf of Mexico and South Atlantic amendment. The amendment would address the sale of King and Spanish Mackerel caught recreationally. The amendment also includes actions that would: eliminate or restrict inactive King Mackerel commercial permits; and eliminate or modify income requirements for King and Spanish Mackerel commercial permits.

2. Amendment 20 is a joint Gulf of Mexico and South Atlantic amendment. The amendment would: Modify the commercial hook-and-line trip limits for Gulf migratory King Mackerel; change the fishing season for Gulf migratory King Mackerel in the Eastern and Western fishing zones; and establish provisions allowing transit through areas closed to King Mackerel fishing. Amendment 20 would also: establish ACLs for Atlantic migratory King and Spanish Mackerel; modify framework procedures; and modify ACLs and ACTs for Gulf and South Atlantic migratory Cobia.

3. South Atlantic Framework Actions would change restrictions on transfer-at-sea and gillnet allowances for the Atlantic migratory Spanish Mackerel commercial sector. Framework Actions would also modify commercial trip limits for Atlantic King Mackerel for the Florida East Coast Subzone.

4. Written comments may be directed to Bob Mahood, Executive Director, SAFMC (see Council address) or via email to:
MackAm19Comments@safmc.net for CMP Amendment 19
MackAm20Comments@safmc.net for CMP Amendment 20
SAtlCMPFWComments@safmc.net for CMP Framework Actions

Comments will be accepted until 5 p.m. on August 18, 2013.

Council staff will present an overview of the amendments and will be available for informal discussions and to answer questions. Members of the public will have an opportunity to go on record at any time during the meeting hours to record their comments on the public hearing topics for consideration by the Council. Local Council representatives will attend the meetings and listen to public comment.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 9, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–16724 Filed 7–11–13; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to the procurement list.

SUMMARY: The Committee is proposing to add a product and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* August 12, 2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product

NSN: MR 546—Sponge, All-Purpose, Nylon Mesh, Large.
NPA: New York City Industries for the Blind, Inc., Brooklyn, NY.
Contracting Activity: Military Resale-Defense Commissary Agency (DeCA), Fort Lee, VA.
COVERAGE: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary

Agency.

Services

Service Type/Location: Janitorial Service, Customs and Border Protection, Brown Field Air Unit, 7685 Pogo Row, San Diego, CA.
NPA: Job Options, Inc., San Diego, CA.
Contracting Activity: U.S. CUSTOMS AND BORDER PROTECTION, AVIATION, MARITIME & BORDER TECHNOLOGIES CONTRACTING DIVISION, WASHINGTON, DC
Service Type/Location: Chemical Latrine Service, NAVFAC–EFA–NW, 1101 Tautog Circle, Silverdale, WA.
NPA: Skookum Educational Programs, Bremerton, WA.
Contracting Activity: DEPT OF THE NAVY, NAVFAC NORTHWEST, SILVERDALE, WA.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–16721 Filed 7–11–13; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the procurement list.

SUMMARY: This action adds a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* August 12, 2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Addition

On May 3, 2013 (78 FR 25970–25971), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will provide the service to the Government.

2. The action will result in authorizing a small entity to provide the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

Service

Service Type/Location: Custodial and Grounds Maintenance Service, El Paso Service Processing Center, 8915 Montana Avenue, El Paso, TX.
NPA: Mavagi Enterprises, Inc., San Antonio, TX.
Contracting Activity: DEPT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, DETENTION MANAGEMENT—DC OFFICE, WASHINGTON, DC.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–16720 Filed 7–11–13; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0152]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Defense Finance and Accounting Service proposes to alter a system of records, T5020, entitled ''Freedom of Information Act Request'' in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This system will enable DFAS to track inquiries and communications received and processed to include questions involving the Saving Deposit Program, and allow management to capture benchmark reporting in order to track the turn-around time on financial inquiries.

DATES: This proposed action will be effective on August 13, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 12, 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. Gregory L. Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–HKC/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 212–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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/dfas/index.html.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on July 2, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 9, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T5015c

SYSTEM NAME:

Freedom of Information Act Requests (December 15, 2008, 73 FR 76005)

CHANGES:

SYSTEM ID:

Delete entry and replace with ''T5020''

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Defense Finance and Accounting Service-Indianapolis, 8899 East 56th Street, Indianapolis, IN 26249–0150.

Defense Finance and Accounting Service-Cleveland, 1240 East 9th Street, Cleveland, OH 44199–2055.''

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Name, address, telephone number, email address and case control number; correspondence from the public requesting information under the Freedom of Information Act and the reply, which may include copies of the released record(s), denials, and appeals; correspondence pertaining to the request, the information released or withheld, summaries, logs of actions taken; and correspondence from and to other DoD and Federal agencies regarding specific requests of mutual interest.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. 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. Common Access Cards, passwords and user identifications (CAC and PKI) are used to control access to the system data, and procedures are in place to deter browsing and unauthorized access.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, current address for reply, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, current address for reply, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

* * * * *

[FR Doc. 2013–16743 Filed 7–11–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0143]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Defense Finance and Accounting Service is amending a system of records notice, T–1430, Mentoring Program, in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This system will provide DFAS civilian employees with an automated mentoring system which will match mentees with potential mentors.

DATES: This proposed action will be effective on August 13, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 12, 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. Gregory Outlaw, (317) 510–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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 from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/privacy/SORNs/component/dfas/index.html.* 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: July 9, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T–1430

SYSTEM NAME:

Mentoring Program (March 17, 2008, 73 FR 14232)

CHANGES:

SYSTEM ID:

Delete entry and replace with ''T1025''.

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address for reply, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address for reply, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

* * * * *

[FR Doc. 2013–16748 Filed 7–11–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0146]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Defense Finance and Accounting Service proposes to alter a system of records, T7905, entitled ''Labor Cost and Reporting System'' in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This system will account for employee labor costs.

DATES: This proposed action will be effective on August 13, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 12, 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. Gregory L. Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–HKC/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 212–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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/dfas/index.html.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on June 25, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 9, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7905

SYSTEM NAME:

Labor Cost and Reporting System (August 16, 2007, 72 FR 46040)

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Standard Operations and Maintenance Army Research and Development System (SOMARDS).''

SYSTEM LOCATION:

Delete entry and replace with ''Defense Information Systems Agency (DISA), Defense Enterprise Computing Center (DECC)-Ogden, 7879 Wardleigh Road, Hill Air Force Base, Ogden, UT 84056–5997.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''To account for employee labor cost.''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic storage media.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Defense Finance and Accounting Service-Indianapolis, Accounting Systems Division, 8899 East 56th Street, Indianapolis, IN 46249–2700.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address to reply, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address to reply, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR part 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''DFAS automated payroll systems interfaces.''

* * * * *

[FR Doc. 2013–16747 Filed 7–11–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0147]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Defense Finance and Accounting Service proposes to alter a system of records, T7340c, entitled ''Defense Workload Operations Web System (DWOWS)'' in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This system will enable DFAS to track inquiries and communications received and processed to include questions involving the Saving Deposit Program, and allow management to capture benchmark reporting in order to track the turn-around time on financial inquiries.

DATES: This proposed action will be effective on August 13, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 12, 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. Gregory L. Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–HKC/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 212–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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/dfas/index.html.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on June 27, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 9, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7340c

SYSTEM NAME:

Defense Workload Operations Web System (DWOWS) (March 7, 2007, 72 FR 10182).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Navy and Marine Corps Active Duty and Reserve members.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''The system will enable the Defense Finance Accounting Service to track communications and inquiries received and processed to include questions involving the Savings Deposit Program and allow management to capture benchmark reporting in order to track the turn-around time on financial inquiries.''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Name, Social Security Number (SSN) and or case number.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Defense Finance and Accounting Service-Cleveland, System Manager, Military Pay Operations, 1240 East 9th Street, Cleveland, OH 44199–2055.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Subject individual, Federal agencies and the Military Service (Marine Corps and Navy).''

* * * * *

[FR Doc. 2013–16746 Filed 7–11–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2013–0021]

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 proposes to amend a system of records, A0500–5–1 DAMO, entitled ''Worldwide Individual Augmentation System'' in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This system will document Army manning documents and manage individual augmentation requirements, sourcing, and accountability.

DATES: This proposed action will be effective on August 13, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 12, 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 in this notice. 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: July 9, 2013.

Aaron Siegel,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

A0500–5–1 DAMO

SYSTEM NAME:

Worldwide Individual Augmentation System (September 22, 2009, 74 FR 48238)

* * * * *

CHANGES:

SYSTEM LOCATION:

Delete entry and replace with ''Army Operation Center, The Pentagon, Room BE745, Washington, DC 20310–0400.''

* * * * *

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 151, Joint Chiefs of Staff: composition; functions; 10 U.S.C. 153, Chairman: functions; 10 U.S.C. 162 Combatant commands: assigned forces; chain of command; 10 U.S.C. 164 Commanders of combatant commands: assignment; powers; 10 U.S.C. 167 Unified combatant command for special operations; 10 U.S.C. 3013 Secretary of the Army; 10 U.S.C. 5031, Office of the Chief of Naval Operations: function; 10 U.S.C. 8031 The Air Staff: function; composition; 10 U.S.C. 12301, Reserve components generally; 10 U.S.C. 12302 Ready Reserve; 10 U.S.C. 12304 Selected Reserve and certain Individual Ready; Joint Publications 1–0 Personnel Support to Joint Operations, 2–0 Joint Intelligence, 3–0 Joint Operations, and 5–0 Joint Operation Planning; Army General Order GO 2012–01, Assignment of Functions and Responsibilities Within Headquarters, Department of the Army; CJCSI 1301.01D, Joint Individual Augmentation Procedures; DA PAM 500–5–1, Individual Augmentation Management; and E.O. 9397 (SSN), as amended.''

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Chief, Individual Augmentation Branch, Current Operations Division, Headquarters, Department of the Army, G3/5/7, Army Operations Center, Washington, DC 20310–0400, or the commander or supervisor of organization to which the individual is/was assigned or employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide full name, SSN and/or DoD ID number and military status, and other information verifiable from the record itself.

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 should address written inquiries to the Chief, Individual Augmentation Branch, Current Operations Division, Headquarters, Department of the Army, G3/5/7, Army Operations Center, Washington, DC 20310–0400, or to the commander or supervisor of organization to which individual is/was assigned or employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide full name, SSN and/or DoD ID number and military status, and information verifiable from the record itself.

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).' ''

* * * * *

[FR Doc. 2013–16744 Filed 7–11–13; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2013–0026]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Navy proposes to alter a system of records, NM01640–1, Individual Confinement Records, in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This system serves as a legal basis for confinement and correctional records.

DATES: This proposed action will be effective on August 13, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 12, 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: Ms. Robin Patterson, Head, PA/FOIA Office (DNS–36), Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350–2000, or by phone at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy'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/navy/index.html.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on July 2, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 9, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NM01640–1

SYSTEM NAME:

Individual Confinement Records (April 11, 2007, 72 FR 18216).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''United States Navy Brigs and United States Marine Corps Brigs.''

Official mailing addresses are published in the Standard Navy Distribution List (SNDL) that is available as an appendix to the Navy's compilation of system of records notices and/or may be obtained from the Director, Office of Corrections and Programs (PERS–00D), 5720 Integrity Drive, Millington, TN 38055–6000, and Commandant of the Marine Corps (PSL Corrections), Headquarters, U.S. Marine Corps, 755 South Courthouse Road, Suite 2000, Arlington, VA 22204–2478.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Military members confined in a naval brig, shore or afloat, as a result of or pending trial by courts-martial; military members confined in a naval ship's brig while embarked on a naval vessel, awarded confinement on bread and water as a result of non-judicial punishment; and military members awarded correctional custody served in a correctional custody unit (CCU) as a result of non-judicial punishment.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Documents related to the administration of individual prisoners/CCU awardees in Department of the Navy confinement or correctional custody processing facilities to include confinement orders; release orders; report of results of trial; initial review officer hearing documents; convening authority action; supplemental court martial orders; pre-trial agreements; medical examiners' reports; scars and marks sheets; face photos; requests and receipts for health and comfort supplies; reports and recommendations relative to disciplinary actions; clothing and equipment records; mail and visiting lists; personal history records; work and training reports; requests for interview; initial interview; observation and incident reports; parole and mandatory supervised release (MSR) agreements; inspection record of prisoner in segregation; personal funds records; valuables and property record; admission classification summary; background summary; programming and treatment records; clemency recommendations and actions; parole and MSR recommendations and actions; restoration recommendations and actions; psychiatric, psychological, and sociological reports; certificate of parole/MSR; certificate of release from parole/MSR; transfer records; records

showing name, grade, Social Security Number (SSN), resident control number, gender, education, sentence, offense(s) and details of offenses, record of investigation, sentence computation, organization ethnic group, discharge awarded, prior punishments, length of service, and release details; reports showing legal status, offense charged, and length of time confined; DNA transaction records (no DNA results), sex offender acknowledgement/notification letters, and names, addresses, and telephone numbers of victims/witnesses.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 951, Military Correctional Facilities Establishment; Organization; Administration; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 1565, DNA Identification Information; 42 U.S.C. 10601 et seq., Victim's Rights and Restitution Act of 1990 as implemented by DOD Instruction 1030.2, Victim and Witness Assistance Program; and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''Serves as a legal basis for confinement/correctional custody and release; to determine initial custody classification and when custody grade change is appropriate; to gauge member's adjustment to confinement or correctional custody; to identify areas of particular concern to prisoners and personnel in correctional custody; to determine work assignment and educational needs; serves as a basis for correctional programs and treatment; and recommendations for clemency, restoration, and parole/MSR; to verify, record, and capture documentation of correctional public safety programs to include DNA collection; victim-witness assistance program notifications, and sex offender notification activities.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To federal, state, and local law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory orders.

To state and local authorities for providing (1) notification that individuals, who have been convicted of a specified sex offense or an offense against a victim who is a minor, will be residing in the state upon release from military confinement and (2) information about the individual for inclusion in a state operated sex offender registry.

To confinement/correctional system agencies for use in the administration of correctional programs, to include custody classification; employment, training and educational assignments; treatment programs; clemency, restoration to duty and parole/MSR actions; verifications concerning military offenders or military criminal records, employment records and social histories.

The DoD Blanket Routine Uses that appear at the beginning of the Navy's compilation of system of records notices may apply to this system.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and replace with ''Paper and electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Name and Resident Control Number.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Automated case records are contained within the Corrections Information Management System (CORMIS) where individuals who have a need to know are provided access via a managed systems authorization access. Computer database is CAC-enabled. Paper case files contained within confinement and correctional custody facilities are accountable, secured within controlled areas, and only issued to individuals who have a need to know and authorized access.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Two years after a prisoner/CCU awardee is released or transferred from a brig/CCU or expiration of parole/MSR, prisoner/awardee paper records are transferred to the appropriate Federal Records Center below. Automated records are permanent.

Federal Records Center, 4712 Southpark Boulevard, Ellenwood, GA 30294 has records from afloat brigs under the area consideration of the Commander, U.S. Atlantic Fleet; and shore brigs under the consideration of the Commander, Navy Installations Command (Pre-trial Confinement Facility (PCF) Jacksonville, FL); Commander, Marine Corps Installations East (PCF Camp Lejeune, NC); and Commander, Navy Personnel Command (Naval Consolidated Brigs Chesapeake, VA, and Charleston, SC).

Federal Records Center, 23123 Cajalco Road, Perris, CA 92570–7298 has records for afloat brigs under the area consideration of the Commander, U.S. Pacific Fleet; and shore brigs under the consideration of the Commander, Marine Corps Installations West (PCF Camp Pendleton, CA); and Commander, Navy Personnel Command (Naval Consolidated Brig Miramar, CA and Naval Consolidated Brig Miramar Detachment Pearl Harbor, HI).

Records of prisoners accompany their transfer to other facilities.

Victim/Witness Records are maintained separately and are destroyed after two years.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Policy Officials: Director, Office of Corrections and Programs (PERS–00D), 5720 Integrity Drive, Millington, TN 38055–6000, and Commandant of the Marine Corps (PSL Corrections), Headquarters, U.S. Marine Corps, 755 South Courthouse Road, Suite 2000, Arlington, VA 22204–2478.

Record Holders: United States Navy Brigs/CCUs and United States Marine Corps Brigs/CCUs.

Official mailing addresses are published in the Standard Navy Distribution List (SNDL) that is available as an appendix to the Navy's compilation of system of records notices or may be obtained from the Director, Office of Corrections and Programs (PERS–00D), 5720 Integrity Drive, Millington, TN 38055–6000, and Commandant of the Marine Corps (PSL Corrections), Headquarters, U.S. Marine Corps, 755 South Courthouse Road, Suite 2000, Arlington, VA 22204–2478.''

NOTIFICATION PROCEDURES:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the United States Navy Brig or United States Marine/Corps Brig where incarcerated.

Official mailing addresses are published in the Standard Navy Distribution List (SNDL) that is available as an appendix to the Navy's compilation of system of records notices or may be obtained Director, Office of Corrections and Programs (PERS–00D), 5720 Integrity Drive, Millington, TN

38055–6000, and Commandant of the Marine Corps (PSL Corrections), Headquarters, U.S. Marine Corps, 755 South Courthouse Road, Suite 2000, Arlington, VA 22204–2478.

Requests should include full name, last four digits of Social Security Number (SSN), and must be signed by the requesting individual. The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records.''

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 United States Navy Brig/CCU or United States Marine Corps Brig/CCU where incarcerated/assigned.

Official mailing addresses are published in the Standard Navy Distribution List (SNDL) that is available as an appendix to the Navy's compilation of system of records notices or may be obtained from the Director, Office of Corrections and Programs (PERS–00D), 5720 Integrity Drive, Millington, TN 38055–6000, and Commandant of the Marine Corps (PSL Corrections), Headquarters, U.S. Marine Corps, 755 South Courthouse Road, Suite 2000, Arlington, VA 22204–2478.

Requests should include full name, last four digits of Social Security Number (SSN), and must be signed by the requesting individual. The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records.''

* * * * *

[FR Doc. 2013–16745 Filed 7–11–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity; Notice of Committee Membership

AGENCY: Department of Education, National Advisory Committee on Institutional Quality and Integrity.

What is the purpose of this notice?

The purpose of this notice is to list the members of the National Advisory Committee on Institutional Quality and Integrity (NACIQI) and to give the public the opportunity to nominate candidate(s) for the positions to be vacated by those members appointed by the Secretary of Education, whose terms will expire on September 30, 2013. This notice is required under Section 114(e) of the Higher Education Act (HEA) of 1965, 20 U.S.C. 1011c(e).

What is the role of the committee?

The Committee was established under Section 114 of the HEA, and is composed of eighteen members, of which:

- Six members are appointed by the Secretary of Education;
- Six members are appointed by the Speaker of the U.S. House of Representatives, three of whom are appointed on the recommendation of the majority leader of the U.S. House of Representatives and three of whom are appointed on the recommendation of the minority leader of the U.S. House of Representatives; and
- Six members are appointed by the President Pro Tempore of the U.S. Senate, three of whom are appointed on the recommendation of the majority leader of the U.S. Senate and three of whom are appointed on the recommendation of the minority leader of the U.S. Senate.

The members are chosen from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education (as defined in HEA Section 102, 20 U.S.C. 1002); and on the basis of the individual's experience, integrity, impartiality, good judgment; and technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

The Committee meets at least twice a year to advise the Secretary with respect to:

- The establishment and enforcement of the standards of accrediting agencies or associations under Subpart 2 of Part H of Title IV, HEA.
- The recognition of a specific accrediting agency or association.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, HEA, together with recommendations for improvements in such process.
- The relationship between accreditation of institutions of higher education and the certification and eligibility of such institutions, and the State licensing responsibilities with respect to such institutions.
- The Committee also carries out any other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation.

What are the terms of office for committee members?

The term of office of each member of the Committee shall be for six years, except for vacancies and the terms of office for initial members. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

The terms of office for the initial members of the Committee are:

- Three years for members appointed by the Secretary;
- Four years for members appointed by the Speaker of the U.S. House of Representatives; and
- Six years for members appointed by the President Pro Tempore of the U.S. Senate.

Who are the current members of the committee?

The current members of the National Advisory Committee are:

Members Appointed by the U.S. Secretary of Education (Terms Expire 9/30/13)

- Dr. Earl Lewis, President, Andrew W. Mellon Foundation
- Dr. Susan D. Phillips, Provost and Vice President for Academic Affairs, University at Albany, State University of New York
- Beter-Aron Shimeles (student member), Operations Coordinator, Peer Health Exchange NYC
- Jamienne S. Studley (Chair), J.D., President and CEO, Public Advocates, Inc.
- Frank H. Wu, J.D., Chancellor and Dean, UC Hastings College of Law
- Dr. Federico Zaragoza, Vice Chancellor of Economic and Workforce Development, Alamo Colleges

Members Appointed by the U.S. House of Representatives (Terms Expire 9/30/14)

- Dr. George T. French, President, Miles College
- Dr. Arthur E. Keiser, Chancellor, Keiser University
- Dr. William (Brit) E. Kirwan, Chancellor, University System of Maryland
- Dr. William Pepicello, President, University of Phoenix
- Arthur J. Rothkopf (Vice Chair), J.D., President Emeritus, Lafayette College
- Dr. Carolyn Williams, President Emeritus, Bronx Community College/CUNY

Members Appointed by the U.S. Senate (Terms Expire 9/30/16)

- William L. Armstrong, President, Colorado Christian University
- Dr. Jill Derby, Governance Consultant, Association of Governing Boards of Colleges and Universities
- Anne D. Neal, J.D., President, American Council of Trustees and Alumni
- Richard F. O'Donnell, Chief Revenue Officer, The Fullbridge Program
- Cameron C. Staples, J.D., President and CEO, New England Association of Schools and Colleges, Inc
- Dr. Larry N. Vanderhoef, Chancellor Emeritus, University of California, Davis

How do I nominate an individual for a secretarial appointment to serve on NACIQI?

If you would like to nominate an individual for a Secretarial appointment to the Committee, email the following information to the Office of the Secretary, White House Liaison Office:

- A copy of the nominee's resume; and
- a cover letter that provides your reason(s) for nominating the individual and includes contact information for the nominee (name, title, business address, and business phone, fax number and email address).

The information/nomination packet must be emailed no later than Friday, August 2, 2013. Address the cover letter as follows: Honorable Arne Duncan, Secretary of Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202. Email the entire nomination packet to *whitehouseliaison@ed.gov* with the subject line: Nomination-NACIQI.

How can I get additional information?

If you have any specific questions about the nomination process, please contact the Office of the Secretary, White House Liaison Office, at 202–401–3677, or for general questions about the National Advisory Committee on Institutional Quality and Integrity (NACIQI), please contact Ms. Carol Griffiths, the Committee's Executive Director, telephone: (202) 219–7035, fax: (202) 502–7874, email: *Carol.Griffiths@ed.gov* between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, Eastern Standard Time.

Authority: 20 U.S.C. 1011c.

Arne Duncan,

Secretary of Education, U.S. Department of Education.

[FR Doc. 2013–16790 Filed 7–11–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records—Impact Evaluation of Math Professional Development

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of a new system of records entitled ''Impact Evaluation of Math Professional Development'' (18–13–35). The National Center for Education Evaluation and Regional Assistance at the Department's Institute of Education Sciences awarded a contract in September 2012 to American Institutes for Research to conduct an impact evaluation of an intensive, content-focused math professional development (PD) program on teacher knowledge, teacher practices, and student achievement. The system of records will contain records on approximately 200 fourth-grade teachers and their students in 6 school districts and will be used to conduct the study.

DATES: Submit your comments on this proposed new system of records on or before August 12, 2013.

The Department filed a report describing the new system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on June 25, 2013. This system of records will become effective at the later date of—(1) the expiration of the 40-day period for OMB review on August 4, 2013, unless OMB waives 10 days of the 40–day review period for compelling reasons shown by the Department, or (2) August 12, 2013, unless the system of records needs to be changed as a result of public comment or OMB review. The Department will publish any changes to the system of records or routine uses that result from public comment or OMB review.

ADDRESSES: Address all comments about the proposed system of records to Dr. Audrey Pendleton, Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001. Telephone: (202) 208–7078. If you prefer to send your comments through the Internet, use the following address: *comments@ed.gov.* You must include the term ''Impact Evaluation of Math Professional Development'' in the subject line of the electronic message.

During and after the comment period, you may inspect all public comments about this notice at the Department in room 502D, 555 New Jersey Avenue NW., Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

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

FOR FURTHER INFORMATION CONTACT: Dr. Audrey Pendleton, Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001. Telephone: (202) 208–7078.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay Service (FRS), toll free, at 1–800–877–8339. Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION:

Introduction

The Privacy Act (5 U.S.C. 552a) requires the Department to publish in the **Federal Register** this notice of a new system of records (5 U.S.C. 552a(e)(4) and (e)(11)). The Department's regulations implementing the Privacy Act are contained in the Code of Federal Regulations (CFR) at 34 CFR part 5b.

The Privacy Act applies to records about individuals that contain individually identifying information that are retrieved by a unique identifier associated with each individual, such as

a name or social security number. The information about each individual is called a ''record,'' and the system, whether manual or computer based, is called a ''system of records.''

The Privacy Act requires the Department to publish a system of records notice in the **Federal Register** upon establishment or revision of the system of records.

Whenever the Department publishes a new system of records or makes a significant change to an established system of records, the Department is also required to submit reports to the Administrator of the Office of Information and Regulatory Affairs at OMB, the Chair of the Senate Committee on Homeland Security and Governmental Affairs, and the Chair of the House of Representatives Committee on Oversight and Government Reform. These reports are intended to permit an evaluation of the probable effect of the proposal on the privacy rights of individuals.

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

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

Dated: June 25, 2013.

John Q. Easton,

Director, Institute of Education Sciences.

For the reasons discussed in the preamble, the Director of the Institute of Education Sciences, U.S. Department of Education (Department) publishes a notice of a new system of records to read as follows:

SYSTEM NUMBER:

18–13–35

SYSTEM NAME:

Impact Evaluation of Math Professional Development.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

(1) Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences (IES), U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001.

(2) The American Institutes for Research, 1000 Thomas Jefferson St. NW., Washington, DC 20007 (contractor).

(3) Harvard University, 1350 Massachusetts Ave., Cambridge, MA 02138 (subcontractor).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system of records will contain records on approximately 200 fourth-grade teachers and their students in 6 school districts.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records will include information about the teachers and students who are included in the study. The teacher-level information will include, but will not necessarily be limited to: Teacher IDs; names and IDs of the school and school district in which the teacher teaches; demographic information such as race, ethnicity, gender, and educational background (teaching experience, prior math coursework, college major, highest degree, professional development activities, and teacher certification status); and scores on a teacher knowledge test and classroom observation measure. The student-level information will include, but will not necessarily be limited to: Student IDs; the IDs of the student's teacher; month and year of birth; demographic information such as race, ethnicity, gender, and educational background (attendance level, grade level, free and reduced-price lunch status, English language learner status, and special education status); and assessment information and scores on mathematics State assessments and a computer-adaptive mathematics test.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The study is authorized under the Education Sciences Reform Act of 2002, Part D, Section 171(b)(2) (20 U.S.C. 9561(b)(2)), which authorizes the IES to ''conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science).''

PURPOSE(S):

The information contained in this system of records will be used to conduct an impact evaluation of an intensive, content-focused math professional development (PD) program on teacher knowledge, teacher practices, and student achievement.

The study will address the following two research questions: (1) What is the average impact of providing teachers with a specialized professional development intervention relative to ''business-as-usual'' professional development on (a) teachers' content knowledge, (b) teachers' classroom practices, and (c) student achievement? (2) How is the professional development intervention implemented? What challenges were encountered during the process of implementing the intervention?

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department may disclose information contained in this system of records under the routine uses listed here without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. The Department may make these case-by-case disclosures or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act) (5 U.S.C. 552a), under a computer matching agreement. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of the Education Sciences Reform Act (ESRA) (20 U.S.C. 9573), which provides confidentiality standards that apply to all collection, reporting, and publication of data by IES.

(1) *Research Disclosure.* The Director of IES may license confidential information from this system of records to qualified external researchers solely for the purpose of carrying out specific research that is compatible with the purpose(s) of this system of records. The researcher must maintain, under the Privacy Act and the ESRA, safeguards with respect to such records. When personally identifiable information from a student's education record will be disclosed to the researcher, under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), the researcher must comply with the requirements in the applicable FERPA exception to consent.

(2) *Contract Disclosure.* If the Department contracts with an entity to perform any function that requires

disclosing records in this system to the contractor's employees, the Department may disclose the records to those employees who have received the appropriate level of security clearance from the Department. Before entering into such a contract, the Department will require the contractor to establish and maintain the safeguards required under the Privacy Act (5 U.S.C. 552a(m)) with respect to the records in the system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Department maintains records on CD–ROM, and the contractor (American Institutes for Research) and subcontractor (Harvard University) maintain data for this system on computers and in hard copy.

RETRIEVABILITY:

Records in this system are indexed and retrieved by a unique random number assigned to each individual that is cross-referenced by the individual's unique State- or district-assigned teacher or student ID on a separate list.

SAFEGUARDS:

All physical access to the Department's site and to the sites of the Department's contractor and subcontractor, where this system of records is maintained, is controlled and monitored by security personnel. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a need-to-know basis and controls individual users' ability to access and alter records within the system.

The contractor and subcontractor will establish a similar set of procedures at their sites to ensure confidentiality of data. The contractor and subcontractor are required to ensure that print data identifying individuals are in files physically separated from other research data and that electronic files identifying individuals are separated from other electronic research data files. The contractor and subcontractor will maintain security of the complete set of all master data files and documentation. Access to individually identifying data will be strictly controlled. At each site, all print data will be kept in locked file cabinets during non-working hours and work on hardcopy data will take place in a single room, except for data entry.

Physical security of electronic data will also be maintained. Security features that protect project data include: Password-protected accounts that authorize users to use the contractor's system but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; and additional security features that the network administrators will establish for projects as needed. The Department's, contractor's, and subcontractor's employees who ''maintain'' (collect, maintain, use, or disseminate) data in this system must comply with the requirements of the Privacy Act and the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

RETENTION AND DISPOSAL:

These records are covered by a draft records schedule under development, ED 231 Research and Statistics Records. This schedule shall be submitted to the National Archives and Records Administration for review and approval when complete. Until such time as it is approved by NARA, no records shall be destroyed.

SYSTEM MANAGER AND ADDRESS:

Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager at the address listed under **SYSTEM MANAGER AND ADDRESS**. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURE:

If you wish to gain access to a record about you in this system of records, contact the system manager at the address listed under **SYSTEM MANAGER AND ADDRESS**. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager at the address listed under **SYSTEM MANAGER AND ADDRESS**. In addition, you must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.7, including, specification of the particular record you are seeking to have changed, and the written justification for making such a change.

RECORD SOURCE CATEGORIES:

This system will contain records on teachers and students included in the Impact Evaluation of Math Professional Development. Data will be obtained through study data collection from teachers and students, as well as administrative records maintained by school districts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2013–16696 Filed 7–11–13; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0413; FRL—9832–8]

Proposed Information Collection Request; Comment Request; Performance Evaluation Studies on Wastewater Laboratories (Renewal); EPA ICR No. 0234.11, OMB Control No. 2080–0021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Performance Evaluation Studies on Wastewater Laboratories'' (EPA ICR No. 0234.11, OMB Control No. 2080–0021) 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.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through January 31, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before September 10, 2013.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OECA–2013–0413, online using *www.regulations.gov* (our preferred method), by email to

docket.oeca@epa.gov or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Brian Krausz, Monitoring, Assistance, and Media Programs Division, Office of Compliance, (2227A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–3069; fax number: (202) 564–0038; email address: *Krausz.Brian@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 *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Discharge Monitoring Report-Quality Assurance (DMR–QA) study program participation is mandatory for major and selected minor National Pollution Discharge Elimination System (NPDES) permit holders in accordance with Clean Water Act Section 308. The DMR–QA study program is designed to evaluate the analytic ability of the laboratories that perform chemical, microbiological and whole effluent toxicity (WET) analyses required in the NPDES permits for reporting results in the Discharge Monitoring Reports (DMR). Under DMR–QA, the permit holder is responsible: for having their in-house and/or contract laboratories perform proficiency test samples and submit results for grading by proficiency testing (PT) providers. Graded results are transmitted by either the permittee or PT provider to the appropriate federal or state NPDES regulatory authority. Permit holders are responsible for submitting corrective action reports to the appropriate regulatory authority.

Form Numbers: EPA Form 6400–01.

Respondents/Affected Entities: Major and selected minor permit holders under the Clean Water Act's National Pollution Discharge Elimination System (NPDES).

Respondent's Obligation to Respond: Mandatory under Clean Water Act Section 308(a)

Estimated Number of Respondents: 5,509 (total).

Frequency of Response: Major permit holders must participate annually. Minor permit holders must participate if selected by the state or EPA DMR–QA coordinator.

Total Estimated Burden: 36,361 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total Estimated Cost: $4,176,263 (per year), includes $2,376,638 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 5,150 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease in burden hours can be attributed to a number of states obtaining full or partial waivers from this activity through agreements with the EPA. Labor costs were revised upward to take into account employee benefit compensation costs and inflation. Non-labor costs for obtaining proficiency test samples increased because of an update to the list of most commonly used analytes coupled with inflation.

Dated: June 26, 2013.

Lisa C. Lund,

Director, Office of Compliance.

[FR Doc. 2013–16767 Filed 7–11–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9010–1]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements Filed 07/01/2013 Through 07/05/2013 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html*.

EIS No. 20130199, Draft Supplement, BLM, WY, Bighorn Basin Draft Resource Management Plan Revision Project, Comment Period Ends: 10/12/2013, Contact: Caleb Hiner 307–347–5100

EIS No. 20130200, Final EIS, FTA, CA, Van Ness Bus Rapid Transit Project, Review Period Ends: 08/12/2013, Contact: Alex Smit 415–744–3133

EIS No. 20130201, Final EIS, USFS, AK, Big Thorne Project, Review Period Ends: 08/12/2013, Contact: Frank Roberts 907–828–3250

EIS No. 20130202, Draft EIS, NOAA, 00, Amending the Atlantic Large Whale Take Reduction Plan, Vertical Line Rule, Comment Period Ends: 09/13/2013, Contact: Kate Swails 978–282–8481

EIS No. 20130203, Final Supplement, USFS, CA, Eldorado National Forest Travel Management, Review Period Ends: 08/12/2013, Contact: Diana Erickson 530–621–5214

EIS No. 20130204, Final EIS, NASA, AK, Sounding Rockets Program at Poker Flat Research Range, Review Period Ends: 08/12/2013, Contact: Joshua A. Bundick 757–824–2319

EIS No. 20130205, Final EIS, FHWA, CA, State Route 58 (SR–58) Hinkley Expressway Project, Review Period Ends: 08/12/2013, Contact: James Shankel 909–383–6379

EIS No. 20130206, Revised Final EIS, USACE, FL, Addendum to the Final

Areawide EIS on Phosphate Mining in the Central Florida Phosphate District, Review Period Ends: 08/12/2013, Contact: John Fellows 813–769–7070

EIS No. 20130207, Draft EIS, FHWA, DC, Virginia Avenue Tunnel Reconstruction, Comment Period Ends: 08/26/2013, Contact: Michael Hicks 202–219–3513

Amended Notice

EIS No. 20130148, Draft Supplement, USACE, FL, Jacksonville Harbor Navigation, Comment Period Ends: 07/31/2013, Contact: Paul Stodola 904–232–3271

Revision to FR Notice Published 06/07/2013; Extending Comment Period from 07/15/2013 to 07/31/2013

Dated: July 9, 2013.

Cliff Rader

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–16761 Filed 7–11–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9833–4]

Notice of Meeting of the EPA's Children's Health Protection Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held August 1 and 2, 2013 at National Archives Museum (700 Pennsylvania Avenue NW., Washington, DC 20408). The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

DATES: The CHPAC will meet August 1 and 2, 2013.

ADDRESSES: 2777 South Crystal Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Martha Berger, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 564–2191 or *berger.martha@epa.gov.*

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. The CHPAC will meet on August 1 from 1:00 p.m. to 6:00 p.m., and August 2 from 9:00 a.m. to 4:00 p.m. Agenda will be posted at *epa.gov/children.*

Access and Accommodations: For information on access or services for individuals with disabilities, please contact Martha Berger at 202–564–2191 or *berger.martha@epa.gov.*

Dated: July 8, 2013.

Martha Berger,

Designated Federal Official.

[FR Doc. 2013–16765 Filed 7–11–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 11:20 a.m. on Tuesday, July 9, 2013, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Jeremiah O. Norton (Appointive), concurred in by Director Thomas J. Curry (Comptroller of the Currency), Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street NW., Washington, DC.

Dated: July 9, 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–16832 Filed 7–10–13; 11:15 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: July 17, 2013; 10:00 a.m.

PLACE: 800 N. Capitol Street NW., First Floor Hearing Room, Washington, DC.

STATUS: The first portion of the meeting will be in Open Session and the remainder of the meeting will be in Closed Session.

MATTERS TO BE CONSIDERED:

Open Session

1. Briefing on Committee on Maritime Transportation System by Helen Brohl, Director, Executive Secretariat
2. Staff Briefing and Discussion of Inflation Adjustment of Civil Penalties
3. Staff Briefing on Service Contracts that Reference Freight Indices

Closed Session

1. Staff Briefing on Economic and Trade Conditions
2. Staff Briefing on Semi-Annual Meeting with Transpacific Stabilization Agreement Representatives

CONTACT PERSON FOR MORE INFORMATION: Karen V. Gregory, Secretary, (202) 523–5725.

Karen V. Gregory,

Secretary.

[FR Doc. 2013–16798 Filed 7–10–13; 11:15 am]

BILLING CODE 6730–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

July 9, 2013.

TIME AND DATE: 10:00 a.m., Thursday, July 25, 2013.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Lafarge North America,* Docket No. CENT 2010–4–M. (Issues include whether the Administrative Law Judge erred by concluding that the operator did not have adequate notice of the Secretary's interpretation of the standard requiring that defective equipment be taken out of service until defects are corrected.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as

sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 434–9950/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Emogene Johnson,

Administrative Assistant.

[FR Doc. 2013–16844 Filed 7–10–13; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 26, 2013.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *David C. Hernandez, as proposed trustee of the R.L.H. 2011 SGB Trust, and the general partner of Southwest Banking Partners, L.P.,* all of Dallas, Texas; to acquire voting shares of Strategic Growth Bank, Inc., and indirectly acquire voting shares of Capital Bank, SSB, both in El Paso, Texas; Bank of the Rio Grande, Las Cruces, New Mexico; Mile High Banks, Longmont, Colorado; and First National Bank of Santa Fe, Santa Fe, New Mexico.

Board of Governors of the Federal Reserve System, July 8, 2013.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2013–16669 Filed 7–11–13; 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 August 5, 2013.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *GDW Bankshares, Inc.,* to become a bank holding company by acquiring 100 percent of the voting shares of The Geo. D. Warthen Bank, both in Sandersville, Georgia.

B. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *IMB HoldCo LLC, OneWest Bank Group LLC, IMB Management Holdings GP LLC, IMB Management Holdings LP, all of Pasadena, California, and The SHM 2009D Trust,* Palm Beach, Florida; to become bank holding companies upon the conversion of OneWest Bank, FSB, Pasadena, California, from a federal savings association to a national bank.

Board of Governors of the Federal Reserve System, July 8, 2013.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2013–16671 Filed 7–11–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 29, 2013.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. First American Bank Corporation, Elk Grove Village, Illinois; to acquire up to 100 percent of the voting shares of PNA Bank, Chicago, Illinois, through the merger of PNA Bank, Chicago, Illinois, with and into First American Bank, Elk Grove Village, Illinois, and thereby operate a savings association, pursuant to section 225.28(b)(4)(ii).

Board of Governors of the Federal Reserve System, July 8, 2013.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2013–16670 Filed 7–11–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–13–13ZJ]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed 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. Written comments should be received within 60 days of this notice.

Proposed Project

Generic Emergency Epidemic Investigation Data Collections—New—Scientific Education and Professional Development Program Office (SEPDPO), Office of Surveillance, Epidemiology, and Laboratory Services (OSELS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC previously has conducted Emergency Epidemic Investigations (EEIs) under Office of Management and Budget (OMB) control number 0920–0008. CDC is seeking a new OMB generic clearance for a 3-year period to collect vital information during EEIs in response to urgent outbreaks or events (i.e., natural, biological, chemical, nuclear, radiological) characterized by undetermined agents, undetermined sources, undetermined transmission, or undetermined risk factors. These EEIs represent a subset of those performed under OMB clearance 0920–0008.

Supporting effective emergency epidemic investigations is one of the most important ways that CDC protects the health of the public. CDC is frequently called upon to conduct EEIs at the request of local, state, or international health authorities seeking support to respond to urgent outbreaks or urgent public health-related events. In response to external partner requests, CDC provides necessary epidemiologic support to identify the agents, sources, modes of transmission, or risk factors to effectively implement rapid prevention and control measures to protect the public's health. Data collection is a critical component of the epidemiologic support provided by CDC; data are analyzed to determine the agents, sources, modes of transmission, or risk factors so that effective prevention and control measures can be implemented. During an unanticipated outbreak or event, immediate action by CDC is necessary to minimize or prevent public harm. The legal justification for EEIs are found in the Public Health Service Act (42 U.S.C. 301 [241] (a).

Successful investigations are dependent on rapid and flexible data collection that evolves during the investigation and is customized to the unique circumstances of each outbreak or event. Data collection elements will be those necessary to identify the agents, sources, mode of transmission, or risk factors. Examples of potential data collection methods include telephone or face-to-face interview; email, web or other type of electronic questionnaire; paper-and-pencil questionnaire; focus groups; medical record review; laboratory record review; collection of clinical samples; and environmental assessment. Respondents will vary depending on the nature of the outbreak or event; examples of potential respondents include health care professionals, patients, laboratorians, consumers, and the general public. Participation in EEIs is voluntary and there are no anticipated costs to respondents other than their time. CDC will use the information gathered during EEIs to rapidly identify and effectively implement measures to minimize or prevent public harm.

CDC projects 60 EEIs in response to outbreaks or events characterized by undetermined agents, undetermined sources, undetermined transmission, or undetermined risk factors annually. The projected average number of respondents is 200 per EEI, for a total of 12,000 respondents. CDC estimates the average burden per response is 0.5 hours and each respondent will be asked to respond once. Therefore, the total estimated annual burden hours are 6,000. These estimates are based on the reported burden for EEIs that have been performed during the previous two years.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)	Total burden (in hrs.)
Emergency Epidemic Investigation Participants.	Emergency Epidemic Investigation Data Collection Instruments.	12,000	1	0.5	6,000
Total					6,000

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–16738 Filed 7–11–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–2746, CMS–2728, CMS–R–39, CMS–10170, CMS–10156 and CMS–10485]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by September 10, 2013.

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address:

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–2746 End Stage Renal Disease Death Notification

CMS–2728 End Stage Renal Disease Medical Evidence Report Medicare Entitlement and/or Patient Registration

CMS–R–39 Home Health Conditions of Participation (CoP) and Supporting Regulations

CMS–10170 Retiree Drug Subsidy (RDS) Payment Request and Instructions

CMS–10156 Retiree Drug Subsidy (RDS) Application and Instructions

CMS–10485 Evaluation of the Multi-Payer Advanced Primary Care Practice (MAPCP) Demonstration: Provider Survey

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Revision of a previously approved collection; *Title of Information Collection:* End Stage Renal Disease Death Notification; *Use:* The End Stage Renal Disease (ESRD) Death Notification (CMS–2746) is completed by all Medicare-approved ESRD facilities upon the death of an ESRD patient. Its primary purpose is to collect fact of death and cause of death of ESRD patients. Certain other identifying information (e.g., name, Medicare claim number, and date of birth) is required for matching purposes. Federal regulations require that the ESRD Networks examine the mortality rates of every Medicare-approved facility within its area of responsibility. The death form provides the necessary data to assist the ESRD Networks in making decisions that result in improved patient care and in cost-effective distribution of ESRD resources. The data is used by the ESRD Networks to verify facility deaths and to monitor facility performance. *Form Number:* CMS–2746 (OCN: 0938–0448); *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 5,964; *Total Annual Responses:* 75,000; *Total Annual Hours:* 37,500. (For policy questions regarding this collection contact Michelle Tucker at 410–786–0736.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* End Stage Renal Disease Medical Evidence Report Medicare Entitlement and/or Patient Registration; *Use:* The End Stage Renal Disease (ESRD) Medical Evidence Report is completed for all ESRD patients either by the first treatment facility or by a Medicare-approved ESRD facility when it is determined by a physician that the patient's condition has reached that stage of renal impairment that a regular course of kidney dialysis or a kidney transplant is necessary to maintain life. The data reported on the CMS–2728 is used by the federal government, ESRD Networks, treatment facilities, researchers and others to monitor and assess the quality and type of care provided to end stage renal disease beneficiaries. The data collection captures the specific medical information required to determine the Medicare medical eligibility of End Stage Renal Disease claimants. *Form*

Number: CMS–2728 (OCN#: 0938–0046); *Frequency:* Occasionally; *Affected Public:* Individuals or households; *Number of Respondents:* 130,000; *Total Annual Responses:* 130,000; *Total Annual Hours:* 97,500. (For policy questions regarding this collection contact Michelle Tucker at 410–786–0736.)

3. *Type of Information Collection Request:* Reinstatement with change of a currently approved collection; *Title of Information Collection:* Home Health Conditions of Participation (CoP) and Supporting Regulations; *Use:* The information collection requirements contained in this request are part of the requirements classified as the conditions of participation (CoPs) which are based on criteria prescribed in law and are standards designed to ensure that each facility has properly trained staff to provide the appropriate safe physical environment for patients. These particular standards reflect comparable standards developed by industry organizations such as the Joint Commission on Accreditation of Healthcare Organizations, and the Community Health Accreditation Program. The primary users of this information will be state agency surveyors, the regional home health intermediaries, CMS and home health agencies (HHAs) for the purpose of ensuring compliance with Medicare CoPs as well as ensuring the quality of care provided by HHA patients. *Form Numbers:* CMS–R–39 (OCN: 0938–0365); *Frequency:* Occasionally; *Affected Public:* Business or for-profits, not-for-profit institutions, and State, Local or Tribal governments; *Number of Respondents:* 13,577; *Total Annual Responses:* 20,202,576; *Total Annual Hours:* 6,422,694. (For policy questions regarding this collection contact Danielle Shearer at 410–786–6617.)

4. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Retiree Drug Subsidy (RDS) Payment Request and Instructions; *Use:* Under section 1860D–22 of the Social Security Act and implementing regulations at 42 CFR part 423 subpart R, plan sponsors (e.g., employers, unions) who offer prescription drug coverage meeting specified criteria to their qualified covered retirees are eligible to receive a 28 percent tax-free subsidy for allowable drug costs. Plan sponsors must submit required prescription drug cost data and other information in order to receive the subsidy. Subpart R stipulates that plan sponsors may elect to submit RDS payment requests on a monthly, quarterly, interim annual, or annual basis; once selected, the payment frequency may not be changed during the plan year. *Form Number:* CMS–10170 (OCN: 0938–0977); *Frequency:* Occasionally; *Affected Public:* Private sector (business or other for-profits and not-for-profit institutions); *Number of Respondents:* 4,500; *Total Annual Responses:* 4,500; *Total Annual Hours:* 679,500. (For policy questions regarding this collection contact John W. Campbell at 410–786–0542.)

5. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Retiree Drug Subsidy (RDS) Applications and Instructions; *Use:* Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and implementing regulations at 42 CFR part 423, subpart R plan sponsors (e.g., employers, unions) who offer prescription drug coverage to their qualified covered retirees are eligible to receive a 28 percent tax-free subsidy for allowable drug costs. In order to qualify, plan sponsors must submit a complete application with a list of retirees for whom it intends to collect the subsidy. Once CMS reviews and analyzes the information on the application and the retiree list, notification will be sent to the plan sponsor about its eligibility to participate in the RDS program. *Form Number:* CMS–10156 (OCN: 0938–0957); *Frequency:* Yearly and monthly; *Affected Public:* Private sector (business or other for-profits and not-for-profit institutions); *Number of Respondents:* 4,500; *Total Annual Responses:* 4,500; *Total Annual Hours:* 288,000. (For policy questions regarding this collection contact John W. Campbell at 410–786–0542.)

6. *Type of Information Collection Request:* New Collection (Request for a new OMB control number); *Title of Information Collection:* Evaluation of the Multi-Payer Advanced Primary Care Practice (MAPCP) Demonstration: Provider Survey; *Use:* On September 16, 2009, the Department of Health and Human Services announced the establishment of the Multi-payer Advanced Primary Care Practice (MAPCP) Demonstration, under which Medicare joined Medicaid and private insurers as a payer participant in state-sponsored patient-centered medical home (PCMH) initiatives. We selected eight states to participate in this demonstration: Maine, Vermont, Rhode Island, New York, Pennsylvania, North Carolina, Michigan, and Minnesota.

We are proposing to conduct this provider survey to understand how participating practices' structures and functions vary, particularly with respect to their adoption of different components of the PCMH model of care. Researchers evaluating the MAPCP Demonstration plan to combine these survey data with claims data to conduct statistical analyses that identify which particular medical home care processes are associated with the largest gains in health care quality and reductions in health care cost trends. *Form Number:* CMS–10485 (OCN: 0938–NEW); *Frequency:* Annually; *Affected Public:* Individuals and households; *Number of Respondents:* 5,799; *Total Annual Responses:* 5,799; *Total Annual Hours:* 1,450. (For policy questions regarding this collection contact Suzanne Wensky at 410–786–0226.)

Dated: July 9, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–16740 Filed 7–11–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–10108, CMS–10115, and CMS–10130]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information

technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by August 12, 2013.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions:

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974 *OR,* Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Managed Care Regulations; *Use:* The information collection requirements contained in this information collection request implement regulations that allow states greater flexibility to implement mandatory managed care programs, implement new beneficiary protections, and eliminate certain requirements viewed by state agencies as impediments to the growth of managed care programs. Information collected includes information about managed care programs, grievances and appeals, enrollment broker contracts, and managed care organizational capacity to provide health care services. Medicaid enrollees use the information collected and reported to make informed choices regarding health care, including how to access health care services and the grievance and appeal system. States use the information collected and reported as part of its contracting process with managed care entities, as well as its compliance oversight role. We use the information collected and reported in an oversight role of state Medicaid managed care programs. *Form Number:* CMS–10108 (OCN: 0938–0920); *Frequency:* Occasionally; *Affected Public:* Individuals or households, Private sector (business or other for-profit and not-for-profit institutions), and State, local or Tribal Government; *Number of Respondents:* 1,640,223; *Total Annual Responses:* 5,217,333; *Total Annual Hours:* 5,872,255. (For policy questions regarding this collection contact Amy Gentile at 410–786–3499.)

2. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Federal Reimbursement of Emergency Health Services Furnished to Undocumented Aliens, Section 1011 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA); *Use:* Section 1011 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) provides that the Secretary will establish a process (i.e., enrollment and claims payment) for eligible providers to request payment. The Secretary must directly pay hospitals, physicians and ambulance providers (including Indian Health Service, Indian Tribe and Tribal organizations) for their otherwise un-reimbursed costs of providing services required by section 1867 of the Social Security Act and related hospital inpatient, outpatient and ambulance services. We will use the application information to administer this health services program and establish an audit process. *Form Number:* CMS–10115 (OCN: 0938–0929); *Frequency:* Once and occasionally; *Affected Public:* Private sector (business or other for-profit and not-for-profit institutions); *Number of Respondents:* 10,000; *Total Annual Responses:* 10,000; *Total Annual Hours:* 5,000. (For policy questions regarding this collection contact Fred Rooke at 404–562–7502.)

3. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Federal Reimbursement of Emergency Health Services Furnished to Undocumented Aliens, Section 1011 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA): ''Section 1011 Provider Payment Determination'' and ''Request for Section 1011 Hospital On-Call Payments to Physicians'' Forms; *Use:* Section 1011 of the MMA requires that the Secretary establish a process under which eligible providers (certain hospitals, physicians and ambulance providers) may request payment for (claim) their otherwise un-reimbursed costs of providing eligible services. The Secretary must make quarterly payments directly to such providers. The Secretary must also implement measures to ensure that inappropriate, excessive, or fraudulent payments are not made under Section 1011, including certification by providers of the veracity of their requests for payment. Both forms have been established to address the statutory requirements outlined above. *Form Number:* CMS–10130 (OCN: 0938–0952); *Frequency:* Occasionally; *Affected Public:* Private sector (business or other for-profit and not-for-profit institutions); *Number of Respondents:* 12,037; *Total Annual Responses:* 300,148; *Total Annual Hours:* 75,037. (For policy questions regarding this collection contact Fred Rooke at 404–562–7205.)

Dated: July 9, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–16742 Filed 7–11–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0731]

Agency Information Collection Activities; Proposed Collection; Comment Request; Human Cells, Tissues, and Cellular and Tissue-Based Products: Establishment Registration and Listing; Form FDA 3356; Eligibility Determination for Donors; and Current Good Tissue Practice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements for FDA regulations related to human cells, tissues, and cellular and tissue-based products (HCT/Ps) involving establishment registration and listing using Form FDA 3356; eligibility determination for donors; and current good tissue practice (CGTP).

DATES: Submit either electronic or written comments on the collection of information by September 10, 2013.

ADDRESSES: Submit electronic comments on the collection of information to: *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION: Ila S. Mizrachi, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–7726, *Ila.mizrachi@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Human Cells, Tissues, and Cellular and Tissue-Based Products: Establishment Registration and Listing; Form FDA 3356; Eligibility Determination for Donors; and Current Good Tissue Practice—(OMB Control Number 0910–0543)—Extension

Under section 361 of the Public Health Service Act (the PHS Act) (42 U.S.C. 264), FDA may issue and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases between the States or possessions or from foreign countries into the States. As derivatives of the human body, all HCT/Ps pose some risk of carrying pathogens that could potentially infect recipients or handlers. FDA has issued regulations related to HCT/Ps involving establishment registration and listing using Form FDA 3356, eligibility determination for donors, and CGTP.

A. Establishment Registration and Listing; Form FDA 3356

The regulations in part 1271 (21 CFR part 1271) require domestic and foreign establishments that recover, process, store, label, package, or distribute an HCT/P described in § 1271.10(a), or that perform screening or testing of the cell or tissue donor to register with FDA (§ 1271.10(b)(1)) and submit a list of each HCT/P manufactured (§ 1271.10(b)(2)). Section 1271.21(a) requires an establishment to follow certain procedures for initial registration and listing of HCT/Ps, and § 1271.25(a) and (b) identifies the required initial registration and HCT/P listing information. Section 1271.21(b), in brief, requires an annual update of the establishment registration. Section 1271.21(c)(ii) requires establishments to submit HCT/P listing updates if a change as described in § 1271.25(c) has occurred. Section 1271.25(c) identifies the required HCT/P listing update information. Section 1271.26 requires establishments to submit an amendment if ownership or location of the establishment changes. FDA requires the use of a registration and listing form (Form FDA 3356: Establishment Registration and Listing for Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)) to submit the required information (§§ 1271.10, 1271.21, 1271.25, and 1271.26)). To further facilitate the ease and speed of submissions, electronic submission is accepted (*http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/EstablishmentRegistration/TissueEstablishmentRegistration/default.htm*).

B. Eligibility Determination for Donors

In brief, FDA requires certain HCT/P establishments described in § 1271.1(b) to determine donor eligibility based on donor screening and testing for relevant communicable disease agents and diseases except as provided under § 1271.90. The documented determination of a donor's eligibility is made by a responsible person as defined in § 1271.3(t) and is based on the results of required donor screening, which includes a donor medical history interview (defined in § 1271.3(n)), and testing (§ 1271.50(a)). Certain records must accompany an HCT/P once the donor-eligibility determination has been made (§ 1271.55(a)). This requirement applies both to an HCT/P from a donor who is determined to be eligible as well as to an HCT/P from a donor who is determined to be ineligible or where the donor-eligibility determination is not complete if there is a documented

urgent medical need, as defined in § 1271.3(u) (§ 1271.60). Once the donor-eligibility determination has been made, the HCT/P must be accompanied by a summary of records used to make the donor eligibility determination (§ 1271.55(b)), and a statement whether, based on the results of the screening and testing of the donor, the donor is determined to be eligible or ineligible (§ 1271.55(a)(2)). Records used in determining the eligibility of a donor, *i.e.,* results and interpretations of testing for relevant communicable disease agents, the donor eligibility determination, the name and address of the testing laboratory or laboratories, and the name of the responsible person (defined in § 1271.3(t)) who made the donor-eligibility determination and the date of the determination, must be maintained (§ 1271.55(d)(1)). If any information on the donor is not in English, the original record must be maintained and translated to English, and accompanied by a statement of authenticity by the translator (§ 1271.55(d)(2)). HCT/P establishments must retain the records pertaining to a particular HCT/P at least 10 years after the date of its administration, or, if the date of administration is not known, then at least 10 years after the date of the HCT/P's distribution, disposition, or expiration, whichever is latest (§ 1271.55(d)(4)).

When a product is shipped in quarantine, as defined in § 1271.3(q), before completion of screening and testing, the HCT/P must be accompanied by records identifying the donor stating that the donor-eligibility determination has not been completed and stating that the product must not be implanted, transplanted, infused, or transferred until completion of the donor-eligibility determination, except in cases of urgent medical need, as defined in § 1271.3(u) (§ 1271.60(c)). When a HCT/P is used in cases of documented urgent medical need, the results of any completed donor screening and testing, and a list of any required screening and testing that has not yet been completed also must accompany the HCT/P (§ 1271.60(d)(2)). When a HCT/P is used in cases of urgent medical need or from a donor who has been determined to be ineligible (as permitted under § 1271.65), documentation by the HCT/P establishment is required showing that the recipient's physician received notification that the testing and screening were not complete (in cases of urgent medical need), and upon the completion of the donor-eligibility determination, of the results of the determination (§§ 1271.60(d)(3) and (d)(4), and 1271.65(b)(3)).

An HCT/P establishment is also required to establish and maintain procedures for all steps that are performed in determining eligibility (§ 1271.47(a)), including the use of a product from a donor of viable, leukocyte-rich cells or tissue testing reactive for cytomegalovirus (§ 1271.85(b)(2)). The HCT/P establishment must record and justify any departure from a procedure relevant to preventing risks of communicable disease transmission at the time of its occurrence (§ 1271.47(d)).

C. Current Good Tissue Practice (CGTP)

FDA requires HCT/P establishments to follow CGTP (§ 1271.1(b)). Section 1271.155(a) permits the submission of a request for FDA approval of an exemption from or an alternative to any requirement in subpart C or D of part 1271. Section 1271.290(c) requires establishments to affix a distinct identification code to each HCT/P that they manufacture that relates the HCT/P to the donor and to all records pertaining to the HCT/P. Whenever an establishment distributes an HCT/P to a consignee, § 1271.290(f) requires the establishment to inform the consignee, in writing, of the product tracking requirements and the methods the establishment uses to fulfill these requirements. Non-reproductive HCT/P establishments described in § 1271.10 are required under § 1271.350(a)(1) and (a)(3) to investigate and report to FDA adverse reactions (defined in § 1271.3(y)) using Form FDA–3500A (§ 1271.350(a)(2)). Form FDA–3500A is approved under OMB Control No. 0910–0291. Section 1271.370(b) and (c) requires establishments to include specific information either on the HCT/P label or with the HCT/P.

The standard operating procedures (SOPs) provisions under part 1271 include the following: (1) Section 1271.160(b)(2) (receiving, investigation, evaluating, and documenting information relating to core CGTP requirements, including complaints, and for sharing information with consignees and other establishments); (2) § 1271.180(a) (to meet core CGTP requirements for all steps performed in the manufacture of HCT/Ps); (3) § 1271.190(d)(1) (facility cleaning and sanitization); (4) § 1271.200(b) (cleaning, sanitizing, and maintenance of equipment); (5) § 1271.200(c) (calibration of equipment); (6) § 1271.230(a) and (c) (validation of a process and review and evaluation of changes to a validated process); (7) § 1271.250(a) (controls for labeling HCT/Ps); (8) § 1271.265(e) (receipt, predistribution shipment, availability for distribution, and packaging and shipping of HCT/Ps); (9) § 1271.265(f) (suitable for return to inventory); (10) § 1271.270(b) (records management system); (11) § 1271.290(b)(1) (system of HCT/P tracking); and (12) § 1271.320(a) (review, evaluation, and documentation of complaints as defined in § 1271.3(aa)).

Section 1271.155(f) requires an establishment operating under the terms of an exemption or alternative to maintain documentation of FDA's grant of the exemption or approval and the date on which it began operating under the terms of the exemption or alternative. Section 1271.160(b)(3) requires the quality program of an establishment that performs any step in the manufacture of HCT/Ps to document corrective actions relating to core CGTP requirements. Section 1271.160(b)(6) requires documentation of HCT/P deviations. Section 1271.160(d) requires, in brief, documentation of validation of computer software if the establishment relies upon it to comply with core CGTP requirements. Section 1271.190(d)(2) requires documentation of all cleaning and sanitation activities performed to prevent contamination of HCT/Ps. Section 1271.195(d) requires documentation of environmental control and monitoring activities. Section 1271.200(e) requires documentation of all equipment maintenance, cleaning, sanitizing, calibration, and other activities. Section 1271.210(d) requires, in brief, documentation of the receipt, verification, and use of each supply or reagent. Section 1271.230(a) requires documentation of validation activities and results when the results of processing described in § 1271.220 cannot be fully verified by subsequent inspection and tests. Section 1271.230(c) requires that when changes to a validated process subject to 1271.230(a) occur, documentation of the review and evaluation of the process and revalidation, if necessary, must occur. Section 1271.260(d) and (e) requires documentation of any corrective action taken when proper storage conditions are not met and documentation of the storage temperature for HCT/Ps. Section 1271.265(c)(1) requires documentation that all release criteria have been met before distribution of an HCT/P. Section 1271.265(c)(3) requires documentation of any departure from a procedure relevant to preventing risks of communicable disease transmission at the time of occurrence. Section 1271.265(e) requires documentation of

the activities in paragraphs (a) through (d) of this section, which must include identification of the HCT/P and the establishment that supplied the HCT/P, activities performed and the results of each activity, date(s) of activity, quantity of HCT/P subject to the activity, and disposition of the HCT/P. Section 1271.270(a) requires documentation of each step in manufacturing required in part 1271, subparts C and D. Section 1271.270(e) requires documentation of the name and address, and a list of responsibilities of any establishment that performs a manufacturing step for the establishment. Section 1271.290(d) and (e) require documentation of a method for recording the distinct identification code and type of each HCT/P distributed to a consignee to enable tracking from the consignee to the donor and to enable tracking from the donor to the consignee or final disposition. Section 1271.320(b) requires an establishment to maintain a record of each complaint that it receives. The complaint file must contain sufficient information about each complaint for proper review and evaluation of the complaint and for determining whether the complaint is an isolated event or represents a trend.

Respondents to this information collection are establishments that recover, process, store, label, package or distribute any HCT/P, or perform donor screening or testing. The estimates provided below are based on most recent available information from FDA's database system and trade organizations. The hours per response and hours per record are based on data provided by the Eastern Research Group, or FDA experience with similar recordkeeping or reporting requirements.

There are an estimated 2,706 HCT/P establishments (conventional tissue, eye tissue, peripheral blood stem cell, stem cell products from cord blood, reproductive tissue, and sperm banks), including 741 manufacturers of HCT/P products regulated under the Federal Food, Drug, and Cosmetic Act and section 351 of the PHS Act (42 U.S.C. 262), that have registered and listed with FDA. In addition, we estimate that 218 new establishments have registered with FDA (§§ 1271.10(b)(1) and (b)(2) and 1271.25(a) and (b)). There are an estimated 3,737 listing updates (§§ 1271.10(b)(2), 1271.21(c)(2)(ii), and 1271.25(c)) and 1,222 location/ownership amendments (§ 1271.26).

Under § 1271.55(a), an estimated total of 2,167,396 HCT/Ps (which include conventional tissues, eye tissues, hematopoetic stem cells/progenitor cells, and reproductive cells and tissues), and an estimated total of 2,026,861 non-reproductive cells and tissues (total HCT/Ps minus reproductive cells and tissues) are distributed per year by an estimated 1,965 establishments (2,706 − 741 = 1,965) establishments with approved applications).

Under § 1271.60(c) and (d)(2), FDA estimates that 1,375 establishments shipped an estimated 286,000 HCT/P under quarantine, and that an estimated 26 establishments requested 40 exemptions from or alternative to any requirement under part 1271, subpart C or D, specifically under § 1271.155(a).

Under §§ 1271.290(c) and 1271.370(b) and (c), the estimated 1,694 non-reproductive HCT/P establishments label each of their 2,026,861 HCT/Ps with certain information. These establishments are also required to inform their consignees in writing of the requirements for tracking and of their established tracking system under § 1271.290(f).

FDA estimates 24 HCT/P establishments submitted 206 adverse reaction reports with 167 involving a communicable disease (§ 1271.350(a)(1)).

FDA estimates that 218 new establishments will create SOPs, and that 2,706 establishments will review and revise existing SOPs annually.

FDA estimates that 1,353 HCT/P establishments (2,706 × 50% = 1,353) and 847 non-reproductive HCT/P establishments (1,694 × 50% = 847) record and justify a departure from the procedures (§§ 1271.47(d) and 1271.265(c)(3)).

Under § 1271.50(a), HCT/P establishments are required to have a documented medical history interview about the donor's medical history and relevant social behavior as part of the donor's relevant medical records for each of the estimated total of 91,756 donors (which include conventional tissue donors, eye tissue donors, peripheral and cord blood stem cell donors, and reproductive cell and tissue donors), and the estimated total of 86,156 non-reproductive cells and tissue donors (total donors minus reproductive cell and tissue donors).

FDA estimates that 812 HCT/P establishments (2,706 × 30% = 812) document an urgent medical need of the product to notify the physician using the HCT/P (§§ 1271.60(d)(3) and 1271.65(b)(3)).

FDA also estimates that 2,165 HCT/P establishments (2,706 × 80% = 2,165) have to maintain records for an average of 2 contract establishments to perform their manufacturing process (§ 1271.270(e) and 1,353 HCT/P establishments maintain an average of 5 complaint records annually (§ 1271.320(b)).

In some cases, the estimated burden may appear to be lower or higher than the burden experienced by individual establishments. The estimated burden in these charts is an estimated average burden, taking into account the range of impact each regulation may have.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1271.10(b)(1) and 1271.21(b) [2]	2,706	1	2,706	.5 (30 minutes)	1,353
1271.10(b)(1) and (b)(2), 1271.21(a), and 1271.25(a) and (b) [2].	218	1	218	.75 (45 minutes)	164
1271.10(b)(2), 1271.21(c)(2)(ii) and 1271.25(c) [2]	3,737	1	3,737	.5 (30 minutes)	1,869
1271.26 [2]	1,222	1	1,222	.25 (15 minutes)	306
1271.155(a)	26	1.54	40	3	120
1271.350(a)(1) and (a)(3)	24	8.58	206	1	206
Total					4,018

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Using Form FDA 3356.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
New SOPs [2]	218	1	218	48	10,464
SOP Update [2]	2,706	1	2,706	24	64,944
1271.47(d)	1,353	1	1,353	1	1,353
1271.50(a)	2,706	33.91	91,756	5	458,780
1271.55(d)(1)	2,706	33.91	91,756	1	91,756
1271.55(d)(2)	2,706	1	2,706	1	2,706
1271.55(d)(4)	2,706	1	2,706	120	324,720
1271.60(d)(3) and (d)(4) 1271.65(b)(3)(iii)	812	1	812	2	1,624
1271.155(f)	26	1.54	40	.25 (15 minutes)	10
1271.160(b)(3) and (b)(6)	1,694	12	20,328	1	20,328
1271.160(d)	1,694	12	20,328	1	20,328
1271.190(d)(2)	1,694	12	20,328	1	20,328
1271.195(d)	1,694	12	20,328	1	20,328
1271.200(e)	1,694	12	20,328	1	20,328
1271.210(d)	1,694	12	20,328	1	20,328
1271.230(a)	1,694	12	20,328	1	20,328
1271.230(c)	1,694	1	1,694	1	1,694
1271.260(d)	1,694	12	20,328	.25 (15 minutes)	5,082
1271.260(e)	1,694	365	618,310	.083 (5 minutes)	51,320
1271.265(c)(1)	1,694	1,196.49	2,026,861	.083 (5 minutes)	168,229
1271.265(c)(3)	847	1	847	1	847
1271.265(e)	1,694	1,196.49	2,026,861	.083 (5 minutes)	168,229
1271.270(a)	1,694	1,196.49	2,026,861	.25 (15 minutes)	506,715
1271.270(e)	2,165	2	4,330	.5 (30 minutes)	2,165
1271.290(d) and (e)	1,694	50.86	86,156	.25 (15 minutes)	21,539
1271.320(b)	1,353	5	6,765	1	6,765
Total					2,031,238

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Sections 1271.47(a), 1271.85(b)(2), 1271.160(b)(2) and (d)(1), 1271.180(a), 1271.190(d)(1), 1271.200(b), 1271.200(c), 1271.230(a), 1271.250(a), and 1271.265(e).

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR Section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
1271.55(a)	1,965	1,103	2,167,396	.5 (30 minutes)	1,083,698
1271.60(c) and (d)(2)	1,375	208	286,000	.5 (30 minutes)	143,000
1271.290(c)	1,694	1,196.49	2,026,861	.083 (5 minutes)	168,229
1271.290(f)	1,694	1	1,694	1	1,694
1271.370(b) and (c)	1,694	1,196.49	2,026,861	.25 (15 minutes)	506,715
Total					1,903,336

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 8, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–16692 Filed 7–11–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0816]

Joint Meeting of the Gastroenterology-Urology Panel and the Radiological Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Office of the Commissioner, 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: Gastroenterology-Urology Panel and Radiological Devices Panel of the Medical Devices 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 September 9, 2013, from 8 a.m. to 6 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Information regarding special accommodations due to a disability,

visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Daniel Sigelman, Food and Drug Administration, Office of the Commissioner, 10903 New Hampshire Ave., Bldg. 32, Rm. 4254, Silver Spring, MD 20993–0002, 301–796–4706, *Daniel.Sigelman@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 September 9, 2013, the joint committee, convened by the Office of the Commissioner, will discuss current evidence on the risks and benefits of computed tomography colonography for screening of asymptomatic patients for colorectal cancer. The joint committee will provide advice that will assist FDA's consideration of evolving research on this topic and inform the Agency's continuing regulation of these devices.

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 being discussed at the meeting pending before the committee. Written submissions may be made to the docket on or after July 12, 2013. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. 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 August 22, 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 August 29, 2013.

FDA has opened a docket for public comment on this meeting. The docket number is FDA–2013–N–0816. The docket will open for public comment on July 12, 2013. Comments received to the docket on or before September 3, 2013, will be provided to the committee before the meeting. Comments received after that date will not be provided to the committee, but will be taken into consideration by the Agency. The docket will remain open for 30 days after the meeting for additional written submissions.

Interested persons may submit either electronic comments regarding this meeting to *http://www.regulations.gov* or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments received will be posted without change, including any personal information provided. It is only necessary to send one set of comments. Identify comments with the docket number FDA–2013–N–0816. 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.*

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 Daniel Sigelman 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: July 8, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–16711 Filed 7–11–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group, Neuroscience Review Subcommittee.

Date: November 5, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, 5635 Fishers Lane, T508, Rockville, MD 20852.

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, RM 2081, Rockville, MD 20852, 301–443–0800, *bbuzas@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.273, Alcohol Research Programs; National Institutes of Health, HHS)

Dated: July 8, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16699 Filed 7–11–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK, R03 Small Grant Program.

Date: July 22, 2013.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: To Review and Evaluate Grant Applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, Md 20892 (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, Dea, Niddk, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Studies ISC Consortium.

Date: August 7, 2013.

Time: 4:30 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 8, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16698 Filed 7–11–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed 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 Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications.

Date: July 16, 2013.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 6700–B Rockledge Dr., MSC–7616, Bethesda, MD 20892–7616, (301) 496–2550, *robert.unfer@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications.

Date: July 18, 2013.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 6700–B Rockledge Dr., MSC–7616, Bethesda, MD 20892–7616, (301) 496–2550, *robert.unfer@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Targeting Persistent HIV Reservoirs (TaPHIR) (R21/R33)

Date: August 14, 2013.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Jay R Radke, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, Room 2217, 6700B Rockledge Drive MDS–7616, Bethesda, MD 20892–7616, 301–496–2550, *jay.radke@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 8, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16705 Filed 7–11–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Omnibus Review, Cancer Etiology/Genetics.

Date: July 18–19, 2013.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Delia Tang, MD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute. NIH, 9609 Medical Center Drive, Room 7W602, Bethesda, MD 20892–8328, 240–276–6456, *tangd@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: July 8, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16702 Filed 7–11–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Biomedical Research Review Subcommittee.

Date: October 22, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, 5635 Fishers Lane, T508, Rockville, MD 20852.

Contact Person: Philippe Marmillot, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, RM 2019, Bethesda, MD 20892, 301–443–2861, *marmillotp@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.273, Alcohol Research Programs; National Institutes of Health, HHS)

Dated: July 8, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16701 Filed 7–11–13; 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; PAR–11–038: Models to predict treatment outcomes for Intellectual and Developmental Disabilities.

Date: July 30–August 1, 2013.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Joanne T Fujii, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neural Injury and Neurodegeneration.

Date: August 1, 2013.

Time: 1:30 p.m. to 3:00 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: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: August 7–8, 2013.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@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: July 8, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16704 Filed 7–11–13; 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; Collaborative Applications: Opportunities for Collaborative Research at the NIH Clinical Center.

Date: July 25–26, 2013.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, 7400 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.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: Center for Scientific Review Special Emphasis Panel; PSE Member Conflict.

Date: July 29, 2013.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Aspects of NeuroAIDS.

Date: July 30, 2013.

Time: 11:00 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: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Hematology and Vascular Pathobiology.

Date: August 5–6, 2013.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: August 7, 2013.

Time: 10:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@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: July 8, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16703 Filed 7–11–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR12–265 Ancillary Studies in Kidney Disease and Complications.

Date: July 30, 2013.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special, Emphasis Panel; CRIC Ancillary Studies.

Date: September 11, 2013.

Time: 3:15 p.m. to 6:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: D.G. Patel, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR 12–265: NIDDK Ancillary R01 Applications.

Date: September 30, 2013.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 8, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16700 Filed 7–11–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2013–0014; OMB No. 1660–0105]

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 August 12, 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: Community Preparedness and Participation Survey.

Type of information collection: Revision of a currently approved collection

Form Titles and Numbers: FEMA Form 008–0–15 Community Preparedness Participation Survey.

Abstract: The Individual and Community Preparedness Division uses this information to more effectively improve the state of preparedness and participation within the general public by customizing preparedness education and training programs, messaging and public information efforts, and strategic planning initiatives.

Affected Public: Individuals or households.

Estimated Number of Respondents: 6,000.

Estimated Total Annual Burden Hours: 3,000.

Estimated Cost: There are no recordkeeping, capital, start-up or maintenance costs associated with this information collection.

Dated: July 2, 2013.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2013–16715 Filed 7–11–13; 8:45 am]

BILLING CODE 9111–27–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4123–DR; Docket ID FEMA–2013–0001]

Standing Rock Sioux Tribe; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Standing Rock Sioux Tribe (FEMA–4123–DR), dated June 25, 2013, and related determinations.

DATES: *Effective Date:* June 25, 2013.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 25, 2013, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage to the lands associated with the Standing Rock Sioux Tribe resulting from severe storms and flooding during the period of May 25 to June 1, 2013, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists for the Standing Rock Sioux Tribe.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation for the Standing Rock Sioux Tribe. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Gary R. Stanley, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Standing Rock Indian Reservation for Public Assistance.

The Standing Rock Sioux Tribe is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–16717 Filed 7–11–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4122–DR; Docket ID FEMA–2013–0001]

Alaska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alaska (FEMA–4122–DR), dated June 25, 2013, and related determinations.

DATES: *Effective Date:* June 25, 2013.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 25, 2013, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Alaska resulting

from flooding during the period of May 17 to June 11, 2013, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Alaska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the State. Direct Federal assistance is authorized. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Alaska have been designated as adversely affected by this major disaster:

Alaska Gateway Regional Educational Attendance Area (REAA), Lower Yukon REAA, Yukon Flats REAA, and the Yukon-Koyukuk REAA for Individual Assistance.

Alaska Gateway Regional Educational Attendance Area (REAA), Copper River REAA, Lower Yukon REAA, Yukon Flats REAA, and the Yukon-Koyukuk REAA for Public Assistance. Direct federal assistance is authorized.

All boroughs and REAAs within the State of Alaska are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–16673 Filed 7–11–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4124–DR; Docket ID FEMA–2013–0001]

Arkansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Arkansas (FEMA–4124–DR), dated June 25, 2013, and related determinations.

DATES: *Effective Date:* June 25, 2013.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 25, 2013, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from severe storms, tornadoes, and flooding during the period May 30 to June 3, 2013, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Arkansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kenneth K. Suiso, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Arkansas have been designated as adversely affected by this major disaster:

Cleburne, Cross, Independence, Montgomery, Poinsett, Polk, Scott, Searcy, Stone, Van Buren, and Woodruff Counties for Public Assistance.

All counties within the State of Arkansas are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–16716 Filed 7–11–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities; Trusted Traveler Programs

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: 1651–0121.

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: Trusted Traveler Programs. 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 26649) on May 7, 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 August 12, 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: Trusted Traveler Programs (Global Entry, SENTRI and FAST).

OMB Number: 1651–0121.

Form Numbers: 823S (SENTRI) and 823F (FAST).

Abstract: This collection of information is for CBP's Trusted Traveler Programs including the Secure Electronic Network for Travelers Rapid Inspection (SENTRI), which allows expedited entry at specified southwest land border ports of entry; the Free and Secure Trade Program (FAST), which provides expedited border processing for known, low-risk commercial drivers; and Global Entry which allows pre-approved, low-risk, air travelers expedited clearance upon arrival into the United States. The purpose of all of these programs is to provide prescreened travelers expedited entry into the United States. The benefit to the traveler is less time spent in line waiting to be processed. These Trusted Traveler programs are provided for in 8 CFR 235.7.

This collection of information involves the data collected on the applications and kiosks for these Trusted Traveler Programs. Applicants may apply to participate in these programs by using the Global On-line Enrollment System (GOES) at *https://goes-app.cbp.dhs.gov*. Or they may also apply for SENTRI and FAST using paper forms (CBP Form 823S for SENTRI and CBP Form 823F for FAST) available at *http://www.cbp.gov* or at Trusted Traveler Enrollment Centers.

After arriving at the Federal Inspection Services area of the airport, participants use a self-serve inspection process, in lieu of inspection by an officer, by going to a Global Entry kiosk to have a photograph and fingerprints taken, submit identifying information, and to answer several questions about items they are bringing into the United States. When using the Global Entry kiosks, participants are required to declare all articles being brought into the United States pursuant to 19 CFR 148.11.

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 applicants for Global Entry and SENTRI. The burden hours were also adjusted to reflect a revised estimated time to complete the Global Entry application. The burden hours also reflect an increase in the number of respondents using the Global Entry kiosks and a decrease in the estimate of time it takes to use the kiosks.

There is no change to the information being collected on the Trusted Traveler forms, the Global On-line Enrollment System (GOES) or on the Global Entry kiosks.

Type of Review: Extension with a change to the burden hours.

Affected Public: Individuals and Businesses.

SENTRI (Form 823S)

Estimated Number of Annual Respondents: 46,000.

Estimated Number of Total Annual Responses: 46,000.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 30,820.

Estimated Annual Costs: $5,623,500.

FAST (Form 823F)

Estimated Number of Annual Respondents: 28,910.

Estimated Number of Total Annual Responses: 28,910.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 19,370.

Estimated Annual Costs: $1,445,500.

Global Entry

Estimated Number of Annual Respondents: 628,000.

Estimated Number of Total Annual Responses: 628,000.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 420,760.

Estimated Annual Costs: $62,800,000.

Global Entry Kiosks

Estimated Number of Annual Respondents: 2,200,000.

Estimated Number of Total Annual Responses: 2,200,000.

Estimated Time per Response: 1 minute.

Estimated Total Annual Burden Hours: 35,200.

Dated: July 8, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–16718 Filed 7–11–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of November 29, 2012.

DATES: *Effective Dates:* The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on November 29, 2012. The next triennial inspection date will be scheduled for November 2015.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 471 Eastern Ave., Chelsea, MA 02150, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.*

Dated: July 2, 2013.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–16712 Filed 7–11–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of March 26, 2013.

DATES: *Effective Dates:* The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on March 26, 2013. The next triennial inspection date will be scheduled for March 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 2844 Sharon Street, Suite B, Kenner, LA 70062, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.*

Dated: July 2, 2013.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–16675 Filed 7–11–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–28]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR Part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the

homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Office of Enterprise Support Programs, Program Support Center, HHS, Room 12–07, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR Part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force:* Mr. Robert Moore, Air Force Real; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040, Washington, DC 20405, (202) 501–0084; *Interior:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, MS–4262, 1849 C Street, Washington, DC 20240, (202)–513–079 (These are not toll-free numbers).

Dated: July 3, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 07/12/2013

Suitable/Available Properties

Building

Virginia

Tract 30–145
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320043
Status: Excess
Directions: Ramey House 1A; House IB; Cellar; Wood Storage; Shed A; Tool Shed; Horse Shed; Shed B
Comments: off-site removal only; relocation may be difficult; 40–1,200 sf.; residential, shed; 10+ yrs. vacant; poor conditions; contamination; contact Interior for more info.

Washington

712 Records Center Printing & Repro Plant 712B IRM
940 Northgate Dr.
Richard WA 99352
Landholding Agency: GSA
Property Number: 54201320025
Status: Excess
GSA Number: 9–B–WA–1268
Directions: Property is improved w/2 contiguous bldgs., totaling approx. 22,714 sf.; Disposal: GSA, Landholding: Energy
Comments: 22,714 sf.; storage; moderate conditions; 60+ months vacant; asbestos & lead

Land

Kentucky

Little Hurricane Island Access
Tract No. 819 & 816E, Newburgh
Locks & Dams
Owensboro KY 42301
Landholding Agency: GSA
Property Number: 54201320024
Status: Excess
GSA Number: 4–D–KY–0629
Directions: Disposal: GSA; Landholding: COE
Comments: 20.87 acres; boat ramp

Texas

Fort Worth Federal Center
501 W. Felix
Ft. Worth TX 76115
Landholding Agency: GSA
Property Number: 54201320023
Status: Surplus
GSA Number: 7–G–TX–0767–6
Comments: 0.38 acres; perpetual use easement over 100% of property; secured area; approval to access granted by City of Ft. Worth

Suitable/Unavailable Properties

Building

Oklahoma

Building 4008
6285 Hilltop Rd.
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201320085
Status: Excess
Comments: 7,767 sf.; depot operations facility; fair conditions; not available due to existing AF need

Unsuitable Properties

Building

Nebraska

Building 670
1111 West Oak Ave.
Lincoln NE 68524
Landholding Agency: Air Force
Property Number: 18201320084
Status: Unutilized
Comments: 100% of property located in floodway; floodway has not been correct or contained
Reasons: Floodway

Virginia

Tract 30–145; Ramey Shed
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320044
Status: Excess
Comments: Documented Deficiencies: Property has collapsed
Reasons: Extensive deterioration

[FR Doc. 2013–16457 Filed 7–11–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY922000–L57000000–BX0000; WYW173360]

Notice of Competitive Coal Lease Sale Maysdorf II North, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that certain coal resources in the Maysdorf II North Coal Tract described below in Campbell County, Wyoming, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended.

DATES: The lease sale will be held at 10 a.m. on Wednesday, August 21, 2013. Sealed bids must be submitted on or before 4 p.m. on Tuesday, August 20, 2013.

ADDRESSES: The lease sale will be held in the First Floor Conference Room (Room 107), of the Bureau of Land Management (BLM) Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003. Sealed bids must be submitted to the Cashier, BLM Wyoming State Office, at the address given above.

FOR FURTHER INFORMATION CONTACT: Mavis Love, Land Law Examiner, or Kathy Muller Ogle, Coal Coordinator, at 307–775–6258, and 307–775–6206, respectively.

SUPPLEMENTARY INFORMATION: This coal lease sale is being held in response to a lease by application (LBA) filed by Cordero Mining LLC, Gillette, Wyoming. The coal resource to be offered consists of all reserves recoverable by surface mining methods in the following-described lands located approximately 15 miles south-southeast of Gillette, Wyoming, immediately east of State Highway 59, west of the Cordero Rojo Mine, and south of the Belle Ayr Mine.

Sixth Principal Meridian

T. 47 N., R. 71 W.,
Sec. 7, lots 6 to 11, inclusive, and lots 14 to 19, inclusive.
T. 47 N., R. 72 W.,
Sec. 1, lots 9 to 13, inclusive, and NW¼SE¼;
Sec. 12, lots 1 to 12, inclusive, and lots 14 to 16, inclusive.

The areas described aggregate 1,338.37 acres.

The tract is adjacent to a Federal lease to the east controlled by the Cordero Rojo Mine, to a Federal lease to the north controlled by the Belle Ayr Mine, and to the Maysdorf II South Coal Tract to the southeast awaiting a future lease sale. The LBA is adjacent to additional unleased Federal coal to the west across State Highway 59. A qualified surface owner restricts leasing on the Maysdorf II North Tract toward the south. Most of the acreage offered has been determined to be minable except for the State Highway 59 right-of-way and 100 foot buffer along the western boundary of the LBA. Acreage south of the LBA has been removed from the application due to the lack of qualified surface owner consent; however, the economic analysis of the bonus value for the LBA coal along this southern boundary includes a reasonable cost to acquire an overstrip agreement toward the end of mine life in order to mine the last of the LBA coal. Reasonable costs to move features such as utilities and pipelines to allow coal recovery have also been included in the economic analysis. In addition, numerous oil and coal bed natural gas wells have been drilled on the tract. The estimate of the bonus value of the coal lease will include consideration of the future production from these wells and the successful coal lessee's interaction with gas producers regarding any pre-existing rights of such producers. An economic analysis of this future income stream will consider reasonable compensation to the gas lessee for lost production of the natural gas when the wells are bought out by the coal lessee. Most of the surface estate of the tract is owned by Alpha Coal West, Inc., with a small portion in the southeast corner owned by Caballo Rojo, Inc.

The LBA tract contains surface mineable coal reserves in the Wyodak Coal Zone currently being recovered in the adjacent, existing mines. Several beds are merged on the LBA tract into a single mineable seam. The average total coal thickness is approximately 69 feet and the range of overburden thickness is approximately 266 to 397 feet. The tract contains an estimated 148,565,000 tons of mineable coal. This estimate of mineable reserves includes the main seam mentioned above but does not include any tonnage from localized seams or splits containing less than 5 feet of coal. It also excludes coal within and along the highway right-of-way as required by typical mining practices. The total mineable stripping ratio of the coal in bank cubic yards per ton is approximately 4.5:1. Potential bidders for the LBA should consider the recovery rate expected from thick seam mining.

The Maysdorf II North LBA coal is ranked as subbituminous C. The overall average quality on an as-received basis is 8,602 British Thermal Units per pound containing approximately 0.24 percent sulfur. These quality averages place the coal reserves near the middle of the range of coal quality currently being mined in the Wyoming portion of the Powder River Basin.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid meets or exceeds the BLM's estimate of the fair market value (FMV) of the tract. The minimum bid for the tract is $100 per acre or fraction thereof. No bid that is less than $100 per acre, or fraction thereof, will be considered. The bids should be sent by certified mail, return receipt requested, or be hand delivered. The BLM Wyoming State Office Cashier will issue a receipt for each hand-delivered bid. Bids received after 4 p.m. local time on Tuesday, August 20, 2013, will not be considered. The minimum bid is not intended to represent FMV. The FMV of the tract will be determined by the Authorized Officer after the sale. The lease that may be issued as a result of this offering will provide for payment of an annual rental of $3 per acre, or fraction thereof, and a royalty payment to the United States of 12.5 percent of the value of coal produced by surface mining methods. The value of the coal will be determined in accordance with 30 CFR 1206.250.

Pursuant to the regulation at 43 CFR 3473.2(f), the applicant for the Maysdorf II North Tract, Cordero Mining LLC, has paid a total case-by-case cost recovery processing fee in the amount of $86,165. The successful bidder for the Maysdorf II North Tract, if someone other than the applicant, must pay to the BLM the $86,165 previously paid by Cordero Mining, LLC. Additionally, the successful bidder must pay all processing costs the BLM will incur after the date this sale notice is published in the **Federal Register**, which are estimated to be $10,000.

Bidding instructions for the LBA tract offered and the terms and conditions of the proposed coal lease are available from the BLM Wyoming State Office at the address above. Case file documents, WYW173360, are available for inspection at the BLM Wyoming State Office.

Nancy L. Beres,
Acting State Director.

[FR Doc. 2013–16629 Filed 7–11–13; 8:45 am]
BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYR0000.L16100000.DP0000. LXSS042K0000]

Notice of Availability of a Supplement to the Bighorn Basin Draft Resource Management Plan/Environmental Impact Statement, Cody and Worland Field Offices, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) is announcing the availability of a Supplement to the Draft Resource Management Plan (RMP) and Environmental Impact Statement (EIS)

for the Bighorn Basin Planning Area and announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Supplement to the Draft RMP/EIS within 90 days after the Environmental Protection Agency (EPA) publishes its notice of availability of the Supplement in the **Federal Register**. The BLM will announce future meetings or hearings and any other public participation activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit written comments related to the Supplement to the Draft RMP/EIS by any of the following methods:

- *Web site: www.blm.gov/wy/st/en/programs/Planning/RMPs/bighorn.*
- *Email: BBRMP_WYMail@blm.gov.*
- *Mail:* Worland Field Office, Attn: RMP Project Manager, 101 South 23rd, Worland, WY 82401.

Copies of the Supplemental Draft RMP/EIS are available at the following locations:

- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82003.
- Bureau of Land Management, Cody Field Office, 1002 Blackburn Street, Cody, WY 82414.
- Bureau of Land Management, Worland Field Office, 101 South 23rd Street, Worland, WY 82401

The Supplement is also available on the Web site: *www.blm.gov/wy/st/en/programs/Planning/RMPs/bighorn.*

FOR FURTHER INFORMATION CONTACT: Caleb Hiner, RMP Project Manager, telephone 307–347–5171; address 101 South 23rd Street, Worland, WY 82401; email *chiner@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Planning Area for the RMP supplement includes lands within the BLM Cody and Worland Field Offices administrative boundaries, in all of Big Horn, Park and Washakie Counties, and most of Hot Springs County in north-central Wyoming. The Planning Area includes all lands, regardless of jurisdiction, totaling 5.6 million acres; however, the BLM will only make decisions on lands that fall under the BLM's jurisdiction. Lands within the Planning Area under the BLM's jurisdiction make up the Decision Area. The Decision Area consists of BLM-administered surface, totaling 3.2 million acres, and mineral estate, totaling 4.2 million acres. The BLM-administered surface acreage and the Federal mineral estate acreage overlap in some areas.

The Notice of Intent (NOI) to prepare the Bighorn Basin RMP/EIS was published in the **Federal Register** on October 17, 2008 (73 FR 61900), and the Draft RMP/EIS was released to the public on April 22, 2011. On December 9, 2011, the NOI for the BLM's National Greater Sage-grouse Planning Strategy was published in the **Federal Register** (76 FR 77008). The planning area for National Greater Sage-grouse Planning Strategy included the Bighorn Basin Planning Area. The National Greater Sage-grouse Planning Strategy NOI invited the public to nominate or recommend areas on public lands for Greater Sage-grouse and their habitat to be considered as areas of critical environmental concern (ACECs). Through the scoping process, numerous nominations were presented, including a nomination for all priority Greater Sage-grouse habitats to be included. The two additional alternatives that will be analyzed in this Supplement to the Draft RMP/EIS were prepared to include these ACEC nominations, since these nominations were not received during the initial scoping period for the RMP/EIS in 2008. The two additional alternatives in the Supplement to the Draft RMP/EIS analyze all BLM lands within identified Greater Sage-grouse Key Habitat Areas (1.2 million acres—Alternative E) and Sage-grouse Core Population Areas (1.1 million acres—Alternative F), regardless of jurisdiction, as ACECs, as well as constraints on development and management of non-wilderness study area lands with wilderness characteristics. Both geographic boundaries have been identified as priority Sage-grouse habitat (PH), having the highest conservation value to maintaining sustainable Sage-grouse populations. These areas include breeding, late brood-rearing, and winter concentration areas.

Pursuant to 43 CFR 1610.7–2(b), this notice announces a public comment period on the proposed ACECs. A total of two ACECs are proposed in the Supplement. The proposed ACECs and the proposed resource use limitations that will occur for each proposed ACEC if formally designated are:

- Key Habitat Areas (1.2 million acres): Value of Concern: Greater Sage-grouse Habitat. Proposed Use Limitations: Right-of-Way Exclusion Areas, 3 percent surface disturbance limit, closed to fluid mineral leasing, closed to livestock grazing, closed to mineral material disposals, and recommend a withdrawal from appropriation under the mining laws.
- Core Areas (1.1 million acres): Value of Concern: Greater Sage-grouse Habitat. Proposed Use Limitations: Right-of-Way Avoidance Areas, 5 percent surface disturbance limit, and timing and surface use restrictions. The Preferred Alternative (Alternative D) within the existing Draft RMP/EIS was developed with consideration of specific issues raised through the 2008 public scoping period, recommendations from cooperating agencies, consideration of planning criteria, impact analysis and conformance with local land use plans. The Preferred Alternative remains unchanged in the Supplement to the Draft RMP/EIS. The final agency decision will follow a public protest period for the Proposed RMP, scheduled for release later in 2013. The Proposed RMP and Final EIS will reflect changes or adjustments based on information received during public comment, new information, or changes in BLM policies or priorities. The Proposed RMP may include portions of any analyzed alternatives or decisions otherwise within the spectrum of alternatives analyzed.

You may submit comments in writing to the BLM at any public meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. In order to reduce the use of paper and control costs, the BLM strongly encourages the public to submit comments electronically at the project Web site or via email. Only comments submitted using the methods described in the **ADDRESSES** section above will be accepted. Comments submitted must include the commenter's name and street address. Whenever possible, please include reference to either the page or section in the Supplement to the Draft RMP/EIS to which the comment applies.

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 may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 1506.10, and 43 CFR 1610.2, 1610.7–2.

Mary Jo Rugwell,

Associate State Director, Wyoming.

[FR Doc. 2013–16630 Filed 7–11–13; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYR05000 L51100000.GN0000.LVEMK13CY200]

Notice of Intent To Prepare an Environmental Impact Statement for the Lower Gas Hills Conventional Uranium Project, Fremont County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA) and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), and in response to a proposal filed by Strathmore Resources (US), LTD (Strathmore), the Bureau of Land Management (BLM), Lander Field Office, Wyoming, intends to prepare an Environmental Impact Statement (EIS). By this notice, the BLM is announcing the beginning of the scoping process to solicit public comments regarding issues and resource information for the proposed Lower Gas Hills Conventional Uranium Project (Project) in Fremont County, Wyoming. The Project is a proposed uranium exploration and development project employing open pit mining methods and using heap leach methods for uranium recovery.

DATES: This notice initiates the public scoping process. The BLM can best consider public input if comments and resource information are submitted within 60 days of publication of this notice. To provide the public with an opportunity to review the proposal and project information, the BLM will host public meetings in Lander and Riverton, Wyoming; and will announce the dates, times, and locations for these meetings at least 15 days prior to each event. Announcements will be made by news release to the news media and individual mailings, and posted on the project Web site listed below. Project information and documents including the submitted Plan of Operations will be available on the Project Web site address given below.

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

- *Email: BLM_WY_Lower_Gas_Hills_Conventional_Mine@blm.gov.*
- *Mail:* Lander Field Office, Attn: Kristin Yannone, 1335 Main Street, Lander, WY 82520.
- *Project Web site: http://www.blm.gov/wy/st/en/info/NEPA/documents/lfo/LowerGasHillsConvMine.html.*

Documents pertinent to this proposal may be examined at the Lander Field Office.

FOR FURTHER INFORMATION CONTACT: Kristin Yannone, Project Manager, at:

- *Telephone:* 307–332–8400;
- *Address:* 1335 Main Street, Lander, Wyoming 82520;
- *Email: kyannone@blm.gov.*

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Lander Field Office intends to prepare an EIS to inform decision-making regarding the proposed Lower Gas Hills Conventional Uranium Project and to begin the public scoping period. The BLM seeks public input on the preliminary issues identified below regarding this Project, as well as other Project issues of public concern. The Project area is located in central Wyoming; 45 miles east of Riverton, 35 miles southwest of Casper, and 70 miles northeast of Lander, Wyoming, in the Gas Hills Mining District of Fremont County, Wyoming. The Project area encompasses approximately 12,400 acres of land, 11,040 acres of which is public land administered by the BLM Lander Field Office. Uranium mining activities have been active in the Gas Hills area since the early 1950s; as a result the proposed project area contains land surface disturbance and variably effective mine land reclamation efforts. In November 2012, Strathmore submitted a Preliminary Plan of Operations in accordance with the BLM's surface management regulations at 43 CFR part 3809 to develop a conventional uranium mining and heap leach recovery operation. The purpose of the proposed Project is to explore for and identify mining reserves and extract and process uranium ore from 4 separate mine units over an anticipated project life of 12 or more years. Strathmore proposes to construct four different mine units in a phased manner utilizing open pit mining methods.

Several mine units will require dewatering of existing open pits prior to and during mining of new open pits. Waste rock and ore material will be stored at the surface during mining, and mine facilities will be constructed at each mine unit. Haul roads will be constructed or re-occupied for ore material to be transported to the central processing facility. Uranium recovery will be performed on-site using heap leach methods and a processing facility to produce yellowcake (uranium oxide-U_3O_8). Strathmore proposes to construct a centrally located uranium recovery facility consisting of a heap leach pad, solution exchange building, and drying facility with ancillary collection and drainage ponds.

Anticipated new surface disturbance associated with the Lower Gas Hills Conventional Uranium Project proposal will include approximately 2,000 total acres; including surface disturbance for the construction of open pits, haul roads, spoils piles and associated facilities. Surface disturbance will be phased over several years, depending on the uranium production rate and the availability of mine construction equipment and personnel. Final surface reclamation is required by regulatory agencies and assured through procurement of a financial guarantee.

The BLM's analysis of any potential impacts from granting surface use authorization for the milling facility and water disposal operations are in addition to the environmental analysis conducted by the Nuclear Regulatory Commission as part of its permitting process.

Final reclamation will commence at the end of surface mining, including placing all mine overburden and spoil back in the mine pits, removing all ponds and buried piping, and re-grading and re-vegetating the disturbed surface with approved native plant species. After vegetation has been reestablished, the mine surface will be returned to its pre-mining use of livestock grazing and wildlife habitat or any other use consistent with the applicable land use plan.

Depending on the residual radiological hazards found to be present within the mill site or processing part of the Project area, ownership of the reclaimed surface may be required to be transferred to the Department of Energy for long-term custodian care until contamination is deemed to no longer be a threat to public health and safety. Strathmore estimates that the Project will employ a mix of full-time personnel and temporary contractors throughout the life of the mine. It is likely that the majority of employees will live in

Riverton and Lander and, to a lesser extent, Casper, Wyoming. The Project is expected to provide an economic benefit through a variety of taxes paid to Federal, State, and local governments including employee income taxes, severance taxes, property taxes, and sales taxes.

The Project is in conformance with the 1987 Lander Resource Management Plan and Final Environmental Impact Statement (RMP/Final EIS) and with all of the alternatives in the Final EIS (2013) revising the Lander RMP. During the preparation of the Project EIS, interim exploration and development will be subject to development guidelines and decisions made in applicable NEPA documents, including the Lander RMP and subsequent revisions. The Project EIS will analyze the environmental consequences of approving the Project as proposed, while considering other alternatives including a No Action Alternative.

The purpose of public scoping is to determine relevant issues that will influence the scope of the environmental analysis and range of reasonable alternatives in the Project EIS. At present, the BLM has identified the following preliminary issues: Potential effects to air and water quality; potential effects on existing land uses and previous mine reclamation activities; potential effects of uranium mining and production on surface resources including vegetation, soil, wildlife habitat and livestock grazing; concerns about risks from radioactive or other hazardous elements; and concerns about post-mining management of the project area.

The BLM will utilize and coordinate the NEPA scoping process to help fulfill the public involvement process under Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided in 36 CFR 800.2(d)(3). Native American tribal consultations will be conducted in accordance with policy, and tribal concerns will be given due consideration, including impacts on Indian trust assets. Federal, State, and local agencies, along with other stakeholders who may be interested in or affected by the BLM's decision on this project, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency. 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 may request in your comment to withhold your personal identifying information from public review, it cannot be guaranteed that personal information will be withheld.

Authority: 40 CFR 1501.7.

Dated: May 20, 2013.

Donald A. Simpson,

State Director.

[FR Doc. 2013–16631 Filed 7–11–13; 8:45 am]

BILLING CODE 4310–22–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–770]

Certain Video Game Systems and Wireless Controllers and Components Thereof; Commission Determination To Review-In-Part a Remand Initial Determination; Schedule for Filing Written Submissions on Review for Remand Initial Determination and Final Inital Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review certain portions of the remand initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') on May 7, 2013 in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–4737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On April 27, 2011, the Commission instituted the subject investigation based on a complaint filed by Creative Kingdoms, LLC of Wakefield, Rhode Island and New Kingdoms, LLC of Nehalem, Oregon (collectively, ''CK''). 76 FR 23624 (Apr. 27, 2011). The complaint alleged violations of Section 337 of the Tariff Act of 1930, 19 U.S.C. 1337 (''Section 337'') by reason of infringement of certain claims of United States Patent Nos. 7,896,742 (''the '742 patent''); 7,500,917 (''the '917 patent''); and 7,850,527 (''the '527 patent''). The named respondents are Nintendo Co., Ltd., of Kyoto, Japan and Nintendo America, Inc. of Redmond, Washington (collectively, ''Nintendo'').

The products accused of infringing the asserted patents are gaming systems and related components and software, including the Wii Remote, Wii MotionPlus, Wii Remote Plus, Nunchuk, Wii console (versions RVL and RVK), and Wii U console (collectively, the ''accused products'').

On August 31, 2012, the ALJ issued a final ID finding no violation of section 337 by Nintendo. The ALJ found that the accused products infringe sole asserted claim 24 of the '742 patent, but that the claim is invalid for failing to satisfy the enablement requirement and the written description requirement under 35 U.S.C. 112. The ALJ found that no accused products infringe the asserted claims of the '917 patent and '527 patents. The ALJ also found that the asserted claims of the '917 and '527 patents are invalid for failing to satisfy the enablement requirement and the written description requirement. The ALJ concluded that complainant has failed to show that a domestic industry exists in the United States that exploits the asserted patents as required by 19 U.S.C. 1337(a)(2). The ALJ did not make a finding regarding the technical prong of the domestic industry requirement with respect to the asserted patents. The ALJ also did not make a finding with respect to anticipation and obviousness of the asserted patents.

On September 17, 2012, CK filed a petition for review challenging the ALJ's findings with respect to claim construction, infringement, enablement and written description for the '917 patent, the ALJ's findings with respect to enablement and written description of the '742 patent, as well as the ALJ's findings with respect to the domestic industry requirement for the '917 and '742 patents. On the same day, Nintendo filed a petition for review challenging the ALJ's finding with respect to claim construction and infringement for the '742 patent. Nintendo also challenged the ALJ's failure to address anticipation and obviousness with respect to the '917 and '742 patents. The IA filed a petition for review challenging the ALJ's finding with respect to the domestic industry

requirement for the '917 and '742 patents. None of the parties challenged the ALJ's final ID with respect to the '527 patent.

On November 6, 2012, the Commission determined to review the following issues: (1) Claim construction of the limitation ''toy wand'' of the asserted claim of the '917 patent; (2) non-infringement of the asserted claim of the '917 patent; (3) infringement of the asserted claim of the '742 patent; (4) validity of the asserted claims of the '917 and '742 patents under the enablement requirement; (5) validity of the asserted claims of the '917 and '742 patents under the written description requirement; and (6) whether the domestic industry requirement is met with respect to the '917 and '742 patents. On the same day, the Commission issued an opinion with respect to the proper claim construction of the term ''toy wand'' of the asserted claim of the '917 patent. Specifically, the Commission disagreed with the ALJ that the term ''toy wand'' should be construed as ''an elongated hollow pipe or tube consistent with a wand associated with magic or illusion.'' The Commission found that the term ''toy wand'' should be construed as ''an elongated hollow pipe or tube used for play.'' The Commission determined to remand this case to the ALJ to determine the following issues: (a) Direct infringement of the asserted claim of the '917 patent in light of the proper construction of the term ''wand'' as set forth in the Commission opinion; (b) whether the independently sold Wii MotionPlus and Nunchuck accessories contributorily infringe the asserted claims of the '917 and '742 patents; (c) anticipation and obviousness with respect to the asserted claim of the '917 patent; (d) obviousness with respect to the asserted claim of the '742 patent; and (e) whether CK has satisfied the technical prong of the domestic industry requirement with respect to the '917 and '742 patents, and if necessary, whether CK has satisfied the economic prong of the domestic industry requirement with respect to the '917 and '742 patents in light of the ALJ's technical prong determination.

On May 7, 2013, the ALJ issued a remand ID finding no violation of section 337. The ALJ found that (i) the accused products do not infringe claim 7 of the '917 patent; (ii) Nintendo does not contribute to the infringement of claim 24 of the '742 patent through its sale of the Wii Nunchuk and the Wii MotionPlus accessories; (iii) the asserted claim of the '917 patent is not invalid for anticipation; (iv) the asserted claim of the '917 patent is not invalid for obviousness; (v) the asserted claim of the '742 patent is not invalid for obviousness; (vi) complainant has satisfied the technical prong of the domestic industry requirement for the '917 patent; and (vii) complainant has satisfied the technical prong of the domestic industry requirement for the '742 patent. The ALJ determined that it was unnecessary to revisit his previous finding in his final ID that complainant has not satisfied the economic prong of the domestic industry requirement for the '742 and '917 patents.

On May 21, 2013, CK filed a petition for review of the remand ID, challenging the ALJ's finding that complainant has not satisfied the economic prong of the domestic industry requirement for the '742 and '917 patents. CK also challenges the ALJ's finding that the accused products do not directly infringe the '917 patent and that the separately sold Wii Nunchuk or the Wii MotionPlus accessories do not contributorily infringe the asserted claim of the '742 patent. On the same day, Nintendo filed a petition for review of the remand ID, challenging the ALJ's finding with respect to obviousness of the asserted claim of the '742 patent. The IA did not submit a petition for review. On June 3, 2013, CK, Nintendo, and the IA each filed reply briefs.

Having examined the record of this investigation, the Commission has determined to review the following issues from the remand ID: (1) Whether the accused products directly infringe the asserted claim of the '917 patent; (2) whether the independently sold Wii MotionPlus and Nunchuck accessories contributorily infringe the asserted claim of the '742 patent; (3) non-obviousness of the asserted claim of the '742 patent; and (4) whether the technical prong of the domestic industry requirement is met with respect to the '917 and '742 patents. In addition, the following issues from the final ID are currently under review: (a) whether the accused products directly infringe the asserted claim of the '742 patent; (b) validity of the asserted claims of the '917 and '742 patent under the enablement requirement; (c) validity of the asserted claims of the '917 and '742 patent under the written description requirement; and (d) whether the economic prong of the domestic industry requirement is met with respect to the '917 and '742 patents.

The parties should brief their positions on the issues under review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following questions:

Question 1: Please explain whether the accused products meet the following limitations of the asserted claim of the '917 patent: (a) ''a toy wand,'' *i.e.,* ''an elongated hollow pipe or tube used for play''; (b) ''an elongated body having a first end and a second end''; (c) ''a pair of first motion sensors configured to generate a first signal in response to a first motion of the elongated body''; (d) ''a second motion sensor configured to generate a second signal in response to a second motion of the elongated body, wherein the second motion is different from the first motion, and wherein the second motion sensor is different than either of the pair of first motion sensors''; (e) ''a transmitter disposed within the elongated body and capable of wireless communication with at least one receiver''; and (f) ''the transmitter configured to send to the at least one receiver a first command to control a first play effect based on the first signal, the transmitter further configured to send a second command to the at least one receiver to control a second play effect based on the second signal.''

Question 2: With respect to CK's contributory infringement claim for the independently sold Nunchuk and MotionPlus accessories, please cite to and discuss all evidence indicating (1) whether there is an act of direct infringement; and (2) whether Nintendo had knowledge that the combination of the Nunchuk or MotionPlus accessories with the Wii Remote controller was covered by the '742 patent.

Question 3: What are the novel aspects of the invention of claim 7 of the '917 patent, and are those novel aspects supplied by the specification of the '917 patent? *See Automotive Technologies* v. *BMW of North America Inc.,* 501 F.3d 1274, 1283 (Fed. Cir. 2007) (''It is the specification, not the knowledge of one skilled in the art, that must supply the novel aspects of an invention in order to constitute adequate enablement.'').

Question 4: Would it have been known to a person of ordinary skill in the art in light of the '917 patent specification to configure the disclosed accelerometers or other motion sensors to sense motion as required by claim 7?

Question 5: What are the novel aspects of the invention of claim 24 of the '742 patent, and are those novel aspects supplied by the specification of the '742 patent?

Question 6: Please discuss whether claim 24 of the '742 patent is rendered obvious by the combination of Silfer, Han, and Nitta.

Question 7: Please discuss whether claim 24 of the '742 patent is rendered obvious by the combination of Willner, Silfer, and Goschy.

Question 8: Assuming that the technical prong of the domestic industry requirement is met and assuming that the patented article is the toy wand (as opposed to the entire MagiQuest attraction including the toy wand), do the ''realities of the marketplace'' dictate that the entire MagiQuest attraction (including the physical space, themes, props, other peripheral items, and sales and training staff) is the article of commerce in competition? *See e.g., Certain Double-Sided Floppy Disk Drives and Components Thereof,* Inv. No. 337–TA–215, USITC Pub. 1860,

Comm'n Op., at 55–56 (Oct. 15, 1985) (''The patented article in this investigation may be in and of itself an article of commerce, but . . . [the patented] head assemblies are not the actual articles of commerce at issue when viewed according to the competitive realities of the marketplace.''). Are CK's operational activities with respect to the entire attraction facility essential to practicing the claimed wand?

Question 9: Please cite to and discuss evidence pertaining to whether the economic prong of the domestic industry requirement is shown with respect to the electronics and software used in the MagiQuest attraction that interacts with the MagiQuest wand, and discuss whether the electronics and software are designed, developed, and/or manufactured in the United States?

Question 10: Please cite to and discuss evidence relating to the strength of the nexus between the asserted patents and CK's alleged licensing activities, including evidence showing that the activities are particularly focused on the asserted patents. What are the relative importance or value of the asserted patents within the overall intellectual property portfolio in CK's agreements with its customers to operate the MagiQuest attraction?

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in a respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 9 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the United States Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to state the date that the patent expires and the HTSUS subheadings under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on Thursday, July 18, 2013. Reply submissions must be filed no later than the close of business on Thursday, July 25, 2013. The written submissions must be no longer than 50 pages and the reply submissions must be no longer than 25 pages. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must do so in accordance with Commission rule 210.4(f), 19 CFR 210.4(f), which requires electronic filing. The original document and 8 true copies thereof must also be filed on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42–46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46 and 210.50).

By order of the Commission.

Issued: July 8, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–16709 Filed 7–11–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–857]

Certain Reduced Folate Nutraceutical Products and L-Methylfolate Raw Ingredients Used Therein; Commission Determination Not To Review an Initial Determination Granting Complainants' Corrected Motion for Leave To Amend the Complaint and Notice of Investigation To Add a Complainant and Change a Complainant Name

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 12) of the presiding administrative law judge granting complainants' corrected motion for leave to amend the complaint and notice of investigation to add a complainant and change a complainant name.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its

Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 16, 2012, based on a complaint filed on September 10, 2012, on behalf of South Alabama Medical Science Foundation of Mobile, Alabama (''SASF''); Merck & Cie of Altdorf, Switzerland (''Merck''); and Pamlab LLC of Covington, Louisiana (''Pamlab''). 77 FR 63336 (October 16, 2012). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of one or more of claims 37, 39, 40, 47, 66, 67, 73, 76, 78–81, 83, 84, 86–89, 91, 92, 94–97, 99, 100, 110, 111, 113, 117, and 121 of U.S. Patent No. 5,997,915; claims 22, 26, and 32–38 of U.S. Patent No. 6,673,381; claims 1, 4–6, and 15 of U.S. Patent No. 7,172,778; and claims 1–3, 5, 6, 8, 9, 11–15, and 19–22 of U.S. Patent No. 6,011,040. The Commission's notice of investigation named as respondents Gnosis SpA of Desio, Italy; Gnosis Bioresearch SA of Sant'Antonino, Switzerland; Gnosis USA Inc. of Doylestown, Pennsylvania; and Macoven Pharmaceuticals LLC of Magnolia, Texas.

On December 13, 2012, the Commission issued notice of its determination not to review an ID adding Viva Pharmaceuticals LLC as a new respondent. On February 4, 2013, the Commission issued notice of its determination not to review an ID to identify the new respondent as Viva Pharmaceuticals Inc. rather than Viva Pharmaceuticals LLC.

On May 10, 2013, complainants SASF, Merck, and Pamlab filed an unopposed corrected motion for leave to add Nestle Health Science-Pamlab Inc. (''NHS-Pamlab'') as a complainant and change Pamlab's name to Camline LLC. On June 11, 2013, the administrative law judge issued an ID (Order No. 12) granting the motion. The administrative law judge found good cause shown because NHS-Pamlab has acquired Pamlab and Pamlab was renamed following the acquisition. There were no petitions for review.

Having considered the ID and the relevant portions of the record, the Commission has determined not to review the subject ID. The complaint and notice of investigation are therefore amended to add a new complainant NHS-Pamlab and to rename Pamlab as Camline LLC.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of section 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.42(h)).

By order of the Commission.

Issued: July 8, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–16707 Filed 7–11–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree under the Clean Air Act

On June 28, 2013, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Tennessee in the lawsuit entitled *United States and State of Tennessee* v. *King Pharmaceuticals LLC,* Civil Action No. 2:13-cv-00178.

The United States filed this lawsuit under the Clean Air Act. The complaint seeks injunctive relief and civil penalties for alleged violations at the defendant's pharmaceutical production facility in Bristol, Tennessee, of (1) Permits issued under the Tennessee State Implementation Plan, (2) federal emission standards for hazardous air pollutants for pharmaceutical production, and (3) Title V of the Clean Air Act. The consent decree requires the defendant to perform injunctive relief to correct the violations at the facility and to pay $2.2 million in civil penalties, of which half will go to the United States and the other half to the State of Tennessee.

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 et al.* v. *King Pharmaceuticals LLC,* D.J. Ref. No. 90–5–2–1–10132. 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 e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General U.S. DOJ—ENRD P.O. Box 7611 Washington, D.C. 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 $13.00 (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. 2013–16752 Filed 7–11–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Labor Organization and Auxiliary Reports

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Labor Management Standards (OLMS) sponsored information collection request (ICR) revision titled, ''Labor Organization and Auxiliary Reports,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

DATES: Submit comments on or before August 12, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201306-1245-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone

at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OLMS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: The Labor-Management Reporting and Disclosure Act requires a union to file an annual financial report and a copy of the union's constitution and bylaws with the DOL. Under certain circumstances, reports are required of a union officer and employee, employer, labor relations consultant, and surety company. Any such report is available for public disclosure. A filer is required to retain supporting records for five years; a union is also required to retain election records for one year.

This ICR has been classified as a revision, because a LM–2 filer will no longer be required to obtain a digital signature from a third-party vendor. Furthermore, the DOL seeks to transfer the 2011 version of Form LM–30 from OMB Control Number 1245–0005 to Control Number 1245–0003. The DOL will discontinue the pre-2011 From LM–30 under 1205–0005, after the OMB approves the current request, consistent with regulations published on October 26, 2011 (76 FR 66442). For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 8, 2013 (78 FR 20948).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for the ongoing information collection under Control Number 1245–0003. The current approval is scheduled to expire on October 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1245–0003. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OLMS.

Title of Collection: Labor Organization and Auxiliary Reports.

OMB Control Numbers: 1245–0003 and 1245–0005.

Affected Public: Private Sector—not-for-profit institutions.

Total Estimated Number of Respondents: 31,501.

Total Estimated Number of Responses: 31,501.

Total Estimated Annual Burden Hours: 4,582,390.

Total Estimated Annual Other Costs Burden: $0.

Dated: July 1, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–16736 Filed 7–11–13; 8:45 am]

BILLING CODE 4510–CP–P

DEPARTMENT OF LABOR

Employment and Training Administration

TA–W–82,634, Prudential Global Business Technology Solutions Central Security Services Dresher, Pennsylvania; TA–W–82,634A, Prudential Global Business Technology Solutions Central Security Services Iselin, New Jersey; TA–W–82,634B, Prudential Global Business Technology Solutions Central Security Services Plymouth, Minnesota; TA–W–82,634C, Prudential Global Business Technology Solutions Central Security Services Scottsdale, Arizona; TA–W–82,634D, Prudential Global Business Technology Solutions Central Security Services Roseland, New Jersey; TA–W–82,634E, Prudential Global Business Technology Solutions Central Security Services Jacksonville, Florida; TA–W–82,634F, Prudential Global Business Technology Solutions Central Security Services New York, New York; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 10, 2013, applicable to workers of Prudential, Global Business Technology Solutions, Central Security Services, Dresher, Pennsylvania (TA–W–82,634), Iselin, New Jersey (TA–W–82,634A), Plymouth, Minnesota (TA–W–82,634B), Scottsdale, Arizona (TA–W–82,634C), Roseland, New Jersey (TA–W–82,634D) and Jacksonville, Florida (TA–W–82,634E). The workers are engaged in activities related to the supply of infrastructure technology services that support Prudential's supply of financial services. The notice will be published soon in the **Federal Register**.

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. New information from the company shows that Ms. Lydia Svendsen, an employee of the Central Security Services department of Global Business Technology Solutions, was based out of the New York, New York location of Prudential.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by a shift in the supply of infrastructure technology services to Ireland.

Based on these findings, the Department is amending this certification to include Prudential, Global Business Technology Solutions, Central Security Services, New York, New York. Ms. Lydia Svendsen is the only worker in this subdivision.

The amended notice applicable to TA–W–82,634, TA–W–82,634A, TA–W–82,634B, TA–W–82,634C, TA–W–82,634D, TA–W–82,634E and TA–W–82,634F are hereby issued as follows:

All workers from Prudential, Global Business Technology Solutions, Central Security Services, Dresher, Pennsylvania (TA–W–82,634), Prudential, Global Business Technology, Solutions, Central Security Services, Iselin, New Jersey (TA–W–82,634A), Prudential, Global Business Technology, Solutions, Central Security Services, Plymouth, Minnesota (TA–W–82,634B), Prudential, Global Business Technology, Solutions, Central Security Services, Scottsdale, Arizona (TA–W–82,634C), Prudential, Global Business Technology Solutions, Central Security Services, Roseland, New Jersey (TA–W–82,634D), Prudential, Global Business Technology Solutions, Central Security Services, Jacksonville, Florida (TA–W–82,634E) and Prudential, Global Business Technology Solutions, Central Security Services, New York, New York (TA–W–82,634F), who became totally or partially separated from employment on or after April 4, 2012 through June 10, 2015, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 28th day of June 2013.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–16733 Filed 7–11–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of June 24, 2013 through June 28, 2013.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
82,587	McConway & Torley, LLC, Trinity Parts & Components, TempStar, UI Wages Through Trinity Industries.	Kutztown, PA	March 21, 2012.
82,656	Eagle Industries, LLC	Bowling Green, KY	January 22, 2013.
82,671	Johnstown Specialty Castings, Inc., Whemco	Johnstown, PA	April 17, 2012.
82,720	Triangle Suspension Systems, Inc	Mt. Olive, NC	May 8, 2012.
82,722	Ansonia Specialty Metals, LLC, BWM Metals, LLC	Waterbury, CT	May 9, 2012.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
82,555	Agfa Healthcare Incorporated, Customer Care Center Division, AGFA-Gevaert Group, Eliassen Group.	Carlstadt, NJ	March 12, 2012.
82,642	Optoplex Corporation	Fremont, CA	April 8, 2012.
82,715A	SuperMedia, LLC, Dex Media, Publishing Operations—Special Assistant Department, etc.	Albany, NY	May 6, 2012.
82,768	Teva Pharmaceuticals USA Inc., On-Site Leased Workers From Beeline	Sellersville, PA	May 28, 2012.
82,798	Kingston Technology, Inc	Fountain Valley, CA	June 11, 2013.
82,798A	Decton, Leased Workers On-Site at Kingston Technology, Inc	Fountain Valley, CA	June 10, 2012.
82,814	Federal-Mogul Corporation, Chasis Division, Seaton Corp., DBA Staff Mgmt., Express Services, etc.	Chicago, IL	June 15, 2012.
82,814A	Federal-Mogul Corporation, Chasis Division, Seaton Corp., DBA Staff Mgmt., Express Services, etc.	Chicago, IL	June 15, 2012.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1) (employment decline or threat of separation) of section 222 has not been met.

TA–W No.	Subject firm	Location	Impact date
82,490	Schaffner EMC Inc., Automotive Division, Schaffner EMV AG	Edison, NJ.	
82,757	Bernard Chaus, Inc., Cynthia Steffe Product Line	New York, NY.	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
82,756	McKella280, Inc	Pennsauken, NJ.	

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
82,715	SuperMedia, LLC, Dex Media, Publishing Operations—Special Assistant Department, etc.	Albany, NY.	
82,742	Flying Food Fare Midway, LLC, Flying Food Group, LLC	Chicago, IL.	

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
82,717	AlphaCore Pharma	Ann Arbor, MI.	

I hereby certify that the aforementioned determinations were issued during the period of June 24, 2013 through June 28, 2013. These determinations are available on the Department's Web site *tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Dated: July 1, 2013.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–16735 Filed 7–11–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 2013.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 2013.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 5th day of July 2013.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX—23 TAA PETITIONS INSTITUTED BETWEEN 6/24/13 AND 6/28/13

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
82840	The Berry Company, LLC (Workers)	Dayton, OH	06/24/13	06/18/13
82841	Flytele DBA as TeleFlight Ltd. (Workers)	Jacksonville, FL	06/24/13	05/25/13
82842	OMSA, Inc (Workers)	El Paso, TX	06/24/13	06/21/13
82843	Goodyear Tire & Rubber Company (Union)	Union City, TN	06/25/13	06/24/13
82844	Good Humor/Breyer—Unilever (Workers)	Huntington, IN	06/25/13	06/21/13
82845	Keithley Instruments (Company)	Solon, OH	06/25/13	06/24/13
82846	Nautel Maine Inc. (Workers)	Bangor, ME	06/25/13	06/24/13
82847	Tyco Electronics (Company)	Manheim, PA	06/25/13	06/24/13
82848	Prudential Insurance Company (The) (State/One-Stop)	Shelton, CT	06/26/13	06/26/13
82849	Sykes Home Powered by Alpine Access (Workers)	Denver, CO	06/26/13	06/25/13
82850	Ozarks Area Community Action Corporation (State/One-Stop).	Springfield, MO	06/26/13	06/24/13
82851	Cascades Enviropac HPM (Workers)	Grand Rapids, MI	06/26/13	06/25/13
82852	Suntrust Bank (State/One-Stop)	Atlanta, GA	06/26/13	06/25/13
82853	Boeing Commercial Aircraft (Union)	Chicago, IL	06/27/13	06/26/13
82854	State Street Bank & Trust Company (Workers)	Quincy, MA	06/27/13	06/26/13
82855	Spartanburg Steel Products (State/One-Stop)	Spartanburg, SC	06/27/13	06/27/13
82856	Bank of Granite (Workers)	Granite Falls, NC	06/27/13	06/26/13

APPENDIX—23 TAA PETITIONS INSTITUTED BETWEEN 6/24/13 AND 6/28/13—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
82857	Rockwell Automation (State/One-Stop)	Milwaukee, WI	06/27/13	06/27/13
82858	Choice Hotels (State/One-Stop)	Scottsdale, AZ	06/28/13	06/27/13
82859	American Mendial Alert Corporation d/b/a Tunstall (Company).	Long Island City, NY	06/28/13	06/27/13
82860	Atlas-Copco Drilling Solutions LLC/Dynapac (Workers)	Garland, TX	06/28/13	06/25/13
82861	Firmenich (Company)	Port Newark, Plainsboro, NJ	06/28/13	06/26/13
82862	United States Enrichment Corporation (USEC) (Union)	Kevil, KY	06/28/13	06/27/13

[FR Doc. 2013–16734 Filed 7–11–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c) (2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the ''Census of Fatal Occupational Injuries.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before September 10, 2013.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to (202) 691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, at (202) 691–7628. (See Addresses section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau of Labor Statistics (BLS) was delegated responsibility by the Secretary of Labor for implementing Section 24(a) of the Occupational Safety and Health Act of 1970. This section states that ''the Secretary shall compile accurate statistics on work injuries and illnesses which shall include all disabling, serious, or significant injuries and illnesses . . .''

Prior to the implementation of the Census of Fatal Occupational Injuries (CFOI), the BLS generated estimates of occupational fatalities for private sector employers from a sample survey of about 280,000 establishments. Studies showed that occupational fatalities were underreported in those estimates as well as in those compiled by regulatory, vital statistics, and workers' compensation systems. Estimates prior to the CFOI varied widely, ranging from 3,000 to 10,000 fatal work injuries annually. In addition, information needed to develop prevention strategies were often missing from these earlier programs.

In the late 1980s, the National Academy of Sciences study, *Counting Injuries and Illnesses in the Workplace,* and another report, *Keystone National Policy Dialogue on Work-Related Illness and Injury Recordkeeping,* emphasized the need for the BLS to compile a complete roster of work-related fatalities because of concern over the accuracy of using a sample survey to estimate the incidence of occupational fatalities. These studies also recommended the use of all available data sources to compile detailed information for fatality prevention efforts.

The BLS tested the feasibility of collecting fatality data in this manner in 1989 and 1990. The resulting CFOI was implemented in 32 States in 1991. National data covering all 50 States, New York City, and the District of Columbia have been compiled and published annually for years 1992 through 2011, approximately eight months after the end of each calendar year.

The CFOI compiles comprehensive, accurate, and timely information on work-injury fatalities needed to develop effective prevention strategies. The system collects information concerning the incident, the demographic information of the deceased, and the characteristics of the employer.

Data are used to:

- Develop employee safety training programs.
- Develop and assess the effectiveness of safety standards.
- Conduct research for developing prevention strategies.

In addition, State partners use the data to publish State reports, to identify State-specific hazards, to allocate resources for promoting safety in the workplace, and to evaluate the quality of work life in the State.

II. Current Action

Office of Management and Budget clearance is being sought for the Census of Fatal Occupational Injuries.

In 2011, 4,693 workers lost their lives as a result of injuries received on the job. This official systematic, verifiable count mutes controversy over the various counts from different sources. The CFOI count has been adopted by the National Safety Council and other organizations as the sole source of a comprehensive count of fatal work injuries for the U.S. If this information were not collected, the confusion over the number and patterns in fatal occupational injuries would hamper prevention efforts. By providing timely occupational fatality data, the CFOI provides safety and health managers the information necessary to respond to emerging workplace hazards.

During 2012, BLS national office responded to approximately 1,000 requests for CFOI data from various organizations. (This figure excludes requests received by the States for State-specific data.) In addition, the CFOI page of the BLS Web site averaged about 9,000 users per month in 2012.

National office staff also responded to numerous requests from safety

organizations for staff members to participate in safety conferences and seminars. The CFOI research file, made available to safety and health groups, is being used by 19 organizations. Study topics include fatalities by worker demographic category (young workers, older workers, Hispanic workers); by occupation or industry (construction workers, police officers, firefighters, landscaping workers, workers in oil and gas extraction); by event (heat-related fatalities, fatalities from workplace violence, suicides, falls from ladders); or other research such as safety and health program effectiveness and the impact of fatality risk on wages. A current list of research articles and reports that include CFOI data can be found here: *http://www.bls.gov/iif/publications.htm.*

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Census of Fatal Occupational Injuries.

OMB Number: 1220–0133.

Affected Public: Federal government; individuals or households; private sector (business or other for-profits, not-for-profit institutions, farms); State, local, or tribal governments.

Frequency: On occasion.

Type of form	Number of respondents	Number of responses	Burden hours	Average response time
BLS CFOI–1	1,651	1,651	551	20 minutes per document.
Source document letter—Federal	7	11	70	10 hours per year per agency.
Source document letter—State, local, and tribal	220	17,086	2,848	10 minutes per document.
TOTALS	1,878	18,748	3,469	

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 3rd day of July 2013.

Eric Molina,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2013–16737 Filed 7–11–13; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–2013–035]

State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS–PAC); Notice of Meeting

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 part 101–6, announcement is made for the following committee meeting.

Name of Committee: State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS–PAC).

DATES: The meeting will be held on July 24, 2013, from 10:00 a.m. to 12:00 noon.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue NW., Jefferson Room, Washington, DC 20408.

Purpose: To discuss the matters relating to the Classified National Security Information Program for State, Local, Tribal, and Private Sector Entities.

FOR FURTHER INFORMATION CONTACT: Robert J. Skwirot, Senior Program Analyst, ISOO, National Archives Building, 700 Pennsylvania Avenue NW., Washington, DC 20408, on (202) 357–5398, or at *robert.skwirot@nara.gov.* Contact ISOO at *ISOO@nara.gov.*

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 19, 2013. ISOO will provide additional instructions for gaining access to the location of the meeting.

Dated: July 8, 2013.

Patrice Little Murray,

Acting Committee Management Officer.

[FR Doc. 2013–16839 Filed 7–11–13; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of a permit modification.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit modification by August 12, 2013. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National

Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Description of Permit Modification Requested: The Foundation must report to the Antarctic Treaty annually, no later than June 1 on activities occurring in Antarctic Specially Protected Areas (ASPA) or involving Antarctic Flora and Fauna. Starting in 2013, all new permits issued for ASPA entry or involving Antarctic Flora and Flora require the permittee to submit an annual report to the Foundation by April 1. There are a number of currently valid permits for activities occurring in Antarctic Specially Protected Areas (ASPA) or involving Antarctic Flora and Fauna issued prior to 2013 that require the permittee to submit an annual report to the Foundation by June 30. In order to meet United States Government obligations with respect to the Antarctic Treaty Annual Exchange of Information the Foundation intends to change the reporting deadline from June 30 to April 1 for the permits:

ACA 2011–002

ACA 2012–012

ACA 2012–016

ACA 2012–013

ACA 2012–004

ACA 2012–015

ACA 2011–024

ACA 2011–023

ACA 2011–006

ACA 2009–015

ACA 2013–009

ACA 2009–013

ACA 2012–005

Nadene G. Kennedy,

Division of Polar Programs.

[FR Doc. 2013–16664 Filed 7–11–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits cancelled under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits cancelled under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: Two permits were issued to the Lockheed Martin, Antarctic Support Contract (ASC). ASC desired to consolidate their reporting requirements and asked for two permits to be combined into one. The following permits have been cancelled:

ACA 2013–012 Issued to the Antarctic Support Contract (ASC)

ACA 2013–014 Issued to the Antarctic Support Contract (ASC)

ACA 2013–012 and ACA 2013–014 were replaced by permit ACA. 2014–002 issued to the ASC on June 12, 2013.

Nadene G. Kennedy,

Division of Polar Programs.

[FR Doc. 2013–16665 Filed 7–11–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 671 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by August 12, 2013. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2014–004

1. *Applicant:* Ted Cheeseman, Santa Cruz, CA.

Activity for Which Permit Is Requested

Waste Permit; A small expedition would use an ice strengthened yacht to transit from the Falkland Islands as close to the area near Snow Hill Island in the eastern Antarctic Peninsula region. A group of 8 expeditioners would then transit from the ice edge to Snow Hill Island. The team would camp on Snow Hill Island for one week. Activities to be conducted include: hiking, skiing, photography, wildlife viewing. Designated pollutants that would be associated with the various excursions are typically air emissions, waste water (urine, grey-water) and solid waste (food waste, human solid waste, and packaging materials). Human waste and grey water would be disposed of in the sea ice in accordance with the Environmental Protocol to the Antarctic Treaty. All other wastes would be packaged and removed to the yacht for proper disposal in the Falkland Islands at the end of the expedition.

Location

Weddell Sea, Snow Hill Island.

Dates

October 1, 2013 to October 31, 2013.

Nadene G. Kennedy,

Division of Polar Programs.

[FR Doc. 2013–16663 Filed 7–11–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits cancelled under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits cancelled under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, Divsion of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The permit was issued to Raytheon Polar Services Company (RPSC). On March 31, 2012, the new civilian support contractor, Lockheed Martin, Antarctic Support Contract (ASC) took over on from RPSC on April 1, 2012. Therefore RPSC no longer required a permit. The following permit has been cancelled:

ACA 2010–021 Issued to Raytheon Polar Services Company (RPSC)

ACA 2010–021 was replaced by ACA 2013–015 issued to the ASC on August 15, 2012.

Nadene G. Kennedy,

Division of Polar Programs.

[FR Doc. 2013–16666 Filed 7–11–13; 8:45 am]

BILLING CODE 7555–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0170, Application for Refund of Retirement Deductions/FERS (SF 3106) and Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions Under FERS (SF 3106A)

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0170, Application for Refund of Retirement Deductions/FERS (SF 3106) and Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions Under FERS (SF 3106A). As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on March 1, 2013, at Volume 78 FR 13912 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until August 12, 2013. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management, sent via email to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management, sent by email to *oira_submission@omb.eop.gov*, or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: SF 3106, Application for Refund of Retirement Deductions/Federal Employees Retirement System (FERS), is used by former Federal employees under FERS to apply for a refund of retirement deductions withheld during Federal employment, plus any interest provided by law. SF 3106A, Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions Under FERS, is used by refund applicants to notify their current/former spouse(s) that they are applying for a refund of retirement deductions, which is required by law.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Refund of Retirement Deductions/Federal Employees Retirement System; Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions Under FERS.

OMB Number: 3206–0170.

Frequency: On occasion.

Affected Public: Individuals or households.

Number of Respondents: SF 3106 = 8,000; SF 3106A = 6,400.

Estimated Time per Respondent: SF 3106 = 30 minutes; SF 3106A = 5 minutes.

Total Burden Hours: 4,533.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

[FR Doc. 2013–16759 Filed 7–11–13; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0128, Application for Refund of Retirement Deductions (CSRS), SF 2802 and Current/Former Spouse's Notification of Application for Refund of Retirement Deductions Under the Civil Service Retirement System, SF 2802A

AGENCY: Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0128, Application for Refund of Retirement Deductions Civil Service Retirement System and Current/Former Spouse's Notification of Application for Refund of Retirement Deductions Under the Civil Service Retirement System. As required by the Paperwork Reduction

Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on March 1, 2013, at Volume 78 FR 13913 allowing for a 60-day public comment period. No comments were received for this information collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until August 12, 2013. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management, by email to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management, by email to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: SF 2802 is used to support the payment of monies from the Civil Service Retirement and Disability Fund. It identifies the applicant for refund of retirement deductions. SF 2802A is used to comply with the legal requirement that any spouse or former spouse of the applicant has been notified that the former employee is applying for a refund.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Refund of Retirement Deductions (CSRS)/Current/Former Spouse's Notification of Application for Refund of Retirement Deductions Under the Civil Service Retirement System.

OMB Number: 3206–0128.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: SF 2802 = 3,741; SF 2802A = 3,389.

Estimated Time per Respondent: SF 2802 = 1 hour; SF 2802A = 15 minutes.

Total Burden Hours: 4,588.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

[FR Doc. 2013–16757 Filed 7–11–13; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Cancellation of Upcoming Meeting

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Federal Prevailing Rate Advisory Committee is issuing this notice to cancel the July 18, 2013, public meeting scheduled to be held in Room 5A06A, U.S. Office of Personnel Management Building, 1900 E Street NW., Washington, DC. The original **Federal Register** notice announcing this meeting was published Thursday, December 27, 2012, at 77 FR 76304.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, 202–606–2838, or email *pay-leave-policy@opm.gov.*

U.S. Office of Personnel Management.

Sheldon Friedman,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 2013–16763 Filed 7–11–13; 8:45 am]

BILLING CODE 6325–49–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA–50; File No. S7–05–13]

Privacy Act of 1974: Systems of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notice to revise two existing systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Securities and Exchange Commission (''Commission'' or ''SEC'') proposes to revise two existing systems of records: ''Freedom of Information and Privacy Act Requests (SEC–24)'' and ''Backup Care Employee and Family Records (SEC–66)'', both of which were last published in the **Federal Register** Volume 77, Number 211 on Wednesday, October 31, 2012.

DATES: The proposed systems will become effective August 21, 2013 unless further notice is given. The Commission will publish a new notice if the effective date is delayed to review comments or if changes are made based on comments received. To be assured of consideration, comments should be received on or before August 12, 2013.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–05–13 on the subject line.

Paper Comments

Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. All submissions should refer to File Number S7–05–13. This file number should be included on the subject line if email is used. To help us 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/other.shtml*). Comments are also 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. All comments received will be posted without change;

we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Todd Scharf, Associate Director and Acting Chief Privacy Officer, Office of Information Technology, 202–551–8800.

SUPPLEMENTARY INFORMATION: The Commission proposes to revise two existing systems of records, ''Freedom of Information and Privacy Act Requests (SEC–24)'' and ''Backup Care Employee and Family Records (SEC–66)''.

The Freedom of Information and Privacy Act Requests (SEC–24) system of records consists of records used by Commission staff to process FOIA and Privacy Act requests and appeals, and to prepare reports to the Department of Justice, the Office of Management and Budget, and other oversight entities on the Commission's FOIA and PA activities. A substantive change to SEC–24 has been incorporated to expand routine use No. 15 to include the National Archives and Records Administration, Office of Government Information Services (OGIS) second statutory mission of reviewing administrative agency policies, procedures and compliance with FOIA.

The Backup Care Employee and Family Records (SEC–66) system of records contains records of current SEC employees who voluntarily sign up for backup care benefits and their family members for whom care is needed. A substantive change to SEC–66 has been made to the Categories of Records, deleting ''physician's medical form'' and ''medical identification number'', and updating other types of records maintained in the system.

The Commission has submitted a report of the amended systems of records to the appropriate Congressional Committees and to the Director of the Office of Management and Budget (''OMB'') as required by 5 U.S.C. 552a(r) (Privacy Act of 1974) and guidelines issued by OMB on December 12, 2000 (65 FR 77677).

Accordingly, the Commission is proposing to revise two existing systems of records to read as follows:

SEC–24

SYSTEM NAME:

Freedom of Information and Privacy Act Requests.

SYSTEM LOCATION:

Securities and Exchange Commission, Office of Freedom of Information Act (FOIA) Services, 100 F Street NE., Washington, DC 20549. Other offices involved in the processing of requests may also maintain copies of the requests and related internal administrative records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on persons requesting information from the Commission pursuant to provisions of the Freedom of Information Act; persons who are the subject of Freedom of Information Act requests; individuals who have submitted requests for information about themselves or on behalf of an individual under the provisions of the Privacy Act of 1974; and individuals filing an administrative appeal of a denial, in whole or part, of any such request.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records received, created or compiled in processing FOIA and PA requests or appeals, including internal memoranda, correspondence to or from other Federal agencies, correspondence and response letters, appeal of denials under the FOIA, request for amendment of records under the Privacy Act, appeal for denials under the Privacy Act, appeal determinations, and electronic tracking data. These records may contain personal information retrieved in response to a request including requesters' and their attorneys' or representatives' names, addresses, email, telephone numbers, and FOIA and PA case numbers; office telephone numbers of SEC employees and contractors; Names, telephone numbers, and addresses of the submitter of the information requested; Unique case identifier; Social security number; or other identifier assigned to the request or appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, and 552a; Executive Order 9397.

PURPOSE(S):

The records are used by Commission staff to process FOIA and Privacy Act requests and appeals, and to prepare reports to the Department of Justice, the Office of Management and Budget, and other oversight entities on the Commission's FOIA and PA activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the SEC has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the SEC or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

2. To other federal, state, local, or foreign law enforcement agencies; securities self-regulatory organizations; and foreign financial regulatory authorities to assist in or coordinate regulatory or law enforcement activities with the SEC.

3. To national securities exchanges and national securities associations that are registered with the SEC, the Municipal Securities Rulemaking Board; the Securities Investor Protection Corporation; the Public Company Accounting Oversight Board; the federal banking authorities, including, but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation; state securities regulatory agencies or organizations; or regulatory authorities of a foreign government in connection with their regulatory or enforcement responsibilities.

4. In any proceeding where the federal securities laws are in issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity.

5. To a federal, state, local, tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil

litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

7. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

8. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.

9. To respond to subpoenas in any litigation or other proceeding.

10. To a third party authorized in writing to receive such information by the individual about whom the information pertains.

11. To another Federal agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records, or (c) to process payment of fees associated with FOIA/PA requests.

12. To the Department of Justice (DOJ) in order to obtain that department's advice on FOIA matters or regarding the agency's FOIA disclosure obligations.

13. To the Office of Management and Budget for the purpose of obtaining its advice on Privacy Act matters.

14. To the public pursuant to the provisions of the FOIA, 5 U.S.C. 552.

15. To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

16. To members of Congress, the Government Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

17. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

18. To any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 to 200.735–18, and who assists in the investigation by the Commission of possible violations of the federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the federal securities laws.

19. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

20. In connection with any litigation challenging or seeking to enjoin actions by the Commission under the Freedom of Information Act, as amended.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases and/or on computer disc. Paper records and records on computer disc are stored in locked file rooms and/or file cabinets.

RETRIEVABILITY:

Electronic files and paper format records are indexed and retrieved by a unique case number assigned to the request. Records may also be retrieved by the requestor name and/or the subject of the request.

SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24 hour security guard service. The records are kept in limited access areas during duty hours and in locked file cabinets and/or locked offices or file rooms at all other times. Access is limited to those personnel whose official duties require access. Computerized records are safeguarded through use of access codes and information technology security. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RETENTION AND DISPOSAL:

These records are maintained in accordance with general records schedules of the National Archives and Records Administration, General Records Schedule 14.

SYSTEM MANAGER(S) AND ADDRESS:

FOIA/PA Officer, Office of FOIA Services, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–2736.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–2736.

RECORD ACCESS PROCEDURE:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–2736.

CONTESTING RECORD PROCEDURE:

See Record access procedures above.

RECORD SOURCE CATEGORIES:

Persons requesting information from the Commission pursuant to the Freedom of Information Act and the Privacy Act; agency employees assigned to handle processing the requests; agency records searched and identified as responsive in the process of responding to such requests; other agencies or entities that have referred to SEC requests concerning SEC records, or that have consulted with SEC regarding handling of particular requests; and submitters or subjects of records or information that have provided assistance to SEC in making access or amendment determinations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

SEC–66

SYSTEM NAME:

Backup Care Employee and Family Records.

SYSTEM LOCATION:

Bright Horizons Family Solutions, 200 Talcott Avenue, Watertown, MA 02472. Records may also be maintained at subcontracted childcare center locations. Electronic Reports of SEC employees' registrations and uses are maintained at the Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current SEC employees who voluntarily sign up for backup care benefits and their family members for whom care is needed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may contain employee's name, work address, work phone number, work email address, home address and home phone number; family member's name, gender, home address, and date of birth; and Caregiver's name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 590.

PURPOSE(S):

The records are used to determine an employee's eligibility to request backup care benefits for family members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552 a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the SEC has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the SEC or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

2. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

3. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

4. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

5. To members of Congress, the Government Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

6. To a commercial contractor in connection with benefit programs administered by the contractor on the Commission's behalf, including, but not limited to, supplemental health, dental, disability, life and other benefit programs. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic format. Electronic records are stored in computerized databases and/or on computer disc. Paper records and records on computer disc are stored in locked file rooms and/or file cabinets.

RETRIEVABILITY:

Records are retrieved by the individual's name.

SAFEGUARDS:

Records are safeguarded in a secured environment. The records are kept in limited access areas and/or locked offices or file rooms at all other times. Computerized records are safeguarded through use of access codes and information technology security. Access is limited to those personnel whose official duties require access. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RETENTION AND DISPOSAL:

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with records schedules of the United States Securities and Exchange Commission and as approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Executive Director, Office of Human Resources, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–3901.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–2736.

RECORD ACCESS PROCEDURE:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–2736.

CONTESTING RECORD PROCEDURE:

See Record access procedures above.

RECORD SOURCE CATEGORIES:

All information is provided by SEC employees registering for the services.

EXEMPTION CLAIMED FOR THE SYSTEM:

None.

By the Commission.

Dated: July 8, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–16681 Filed 7–11–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69941; File No. SR–NSX–2013–14]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend its Fee and Rebate Schedule

July 8, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act '' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2013, National Stock Exchange, Inc. (''NSX®'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is proposing to amend its Fee and Rebate Schedule (the ''Fee Schedule'') issued pursuant to Exchange Rule 16.1(a) to: (i) Increase the rebate paid to Equity Trading Permit (''ETP'') Holders [3] that direct Double Play Orders [4] in securities priced at $1 or above to the CBOE Stock Exchange, Inc. (''CBSX'') from $0.0013 per share to (a) $0.0045 per share for executions in five select securities (''Select Securities''),[5] or (b) $0.0015 per share in all other securities; (ii) make it clear that the unexecuted portion of a Double Play Order that is returned to NSX after its initial route to the designated away Trading Center,[6] and subsequently executed on the NSX or routed away in accordance with NSX Rule 11.15(a)(ii) is subject to the standard Fee Schedule; and (iii) make it clear that the $0.0030 per share routing fee applies only to orders routed by the Exchange in accordance with NSX Rule 11.15(a)(ii).[7]

The text of the proposed rule change is available on the Exchange's Web site at *www.nsx.com,* at the Exchange's principal office, and at the Commission's public reference room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section III.A of its Fee Schedule in order to (i) increase the rebate paid to ETP Holders that direct Double Play Orders in securities priced $1 or above to CBSX from $0.0013 per share to (a) $0.0045 per share for executions in Select Securities, or (b) $0.0015 per share in all other securities; (ii) make it clear that the unexecuted portion of a Double Play Order that is returned to NSX after its initial route to the designated away Trading Center, and subsequently executed on the NSX or is routed away in accordance with NSX Rule 11.15(a)(ii) is subject to the standard Fee Schedule; and (iii) make it clear that the $0.0030 per share routing fee applies only to orders routed by the Exchange in accordance with NSX Rule 11.15(a)(ii).

Double Play Order Rebate

The Double Play Order is a market or limit order for which the ETP Holder instructs the System [8] to bypass the NSX Book [9] and route the order to a designated away Trading Center(s) that has been approved by the Exchange.[10] The NSX System will provide any unexecuted portion of a Double Play Order with a new timestamp upon return to the Exchange, and the order will be processed in the manner described in NSX Rule 11.14 (Priority of Orders).

Under Section III.A of the Fee Schedule, the Exchange currently pays ETP Holders a rebate of $0.0013 for each share routed to and executed on a designated Trading Center approved by the Exchange. Currently, the only approved Trading Center is CBSX. The Exchange is proposing to increase the rebate for Double Play Orders routed to and executed on CBSX from $0.0013 per share to (i) $0.0045 per share for orders in Select Securities, and (ii) $0.0015 per share for orders in all other securities. This increase mirrors a proposal by the CBSX to increase rebates offered on its Fee Schedule that became effective on July 1, 2013.[11] The Exchange intends to merely pass through rebates to ETP Holders that direct Double Play Orders to the CBSX.

The Exchange anticipates that additional Trading Centers will be approved in the future for designation by ETP Holders as the destination for Double Play Orders. The Exchange will not pay ETP Holders a rebate for orders that are routed to and executed on a designated Trading Center other than CBSX. The Exchange notes that the ETP Holder directs the order to the designated away Trading Center, and decides the appropriate execution venue based on factors including whether any rebate is available. The Exchange believes that the proposed increase in rebates for Double Play Orders routed to and executed on CBSX will provide ETP Holders with an incentive to direct additional order flow to the NSX and CBSX.

Unexecuted Portion of Double Play Orders

The Exchange is also proposing to amend its Fee Schedule to make it clear that any unexecuted portion of a Double Play Order that is executed on the NSX upon return from an away Trading Center, or is routed away in accordance

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] NSX Rule 1.5 defines the term ''ETP'' as an Equity Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities.

[4] NSX Rule 11.11(c)(10) defines a ''Double Play Order'' as market or limit orders for which an ETP Holder instructs the System to route to designated away Trading Centers which are approved by the Exchange from time to time without first exposing the order to the NSX Book. A Double Play Order that is not executed in full after routing away receives a new time stamp upon return to the Exchange and is ranked and maintained in the NSX Book in accordance with Rule 11.14(a).

[5] The five select securities include Advanced Micro Devices, Inc. (''AMD''), Bank of America Corp. (''BAC''), Micron Technology, Inc. (''MU''), Nokia Corporation (''NOK''), and Sirius XM Radio Inc. (''SIRI'').

[6] NSX Rule 2.11(a) defines a Trading Center as other securities exchanges, facilities of securities exchanges, automated trading systems, electronic communications networks or other brokers or dealers.

[7] NSX 11.15(a)(ii) provides that ''[u]nless the terms of the order direct otherwise, if an order (other than a Sweep Order) has not been executed in its entirety pursuant to paragraph (a)(1) of this Rule, the order shall be eligible for routing away . . .''

[8] Under NSX Rule 1.5, the term ''System'' is defined as ''the electronic securities communications and trading facility . . . through which orders of Users are consolidated for ranking and execution.''

[9] Under NSX Rule 1.5, the term ''NSX Book'' is defined as ''the System's electronic file of orders.''

[10] *See* NSX Rule 11.11(c)(10).

[11] *See* SR–CBOE–2013–65.

with NSX Rule 11.15(a)(ii), is subject to the charges on the standard Fee Schedule. The Exchange believes that this amendment will provide ETP Holders with important information on how the Exchange imposes its fees and clarify the fees applicable when any unexecuted portion of a Double Play Order is returned to the NSX and subsequently executed or routed away in accordance with NSX Rule 11.15(a)(ii).

Regulation NMS Routing Fee

Finally, the Exchange is proposing to amend its Fee Schedule to make it clear that only orders routed by the Exchange in accordance with NSX Rule 11.15(a)(ii), and not Double Play Orders being routed to the designated away Trading Center as instructed by the ETP Holder, will be subject to the $0.0030 per share routing fee. An ETP Holder will only be charged a fee if an unexecuted portion of the Double Play Order returns to the Exchange, and is routed away by the Exchange in accordance with NSX Rule 11.15(a)(ii). The Exchange believes that, by not charging a routing fee for the initial routing of the Double Play Order, it will attract additional liquidity from ETP Holders seeking a low cost route and execution venue, and will further promote the economically efficient execution of securities transactions.

Operative Date and Notice

The Exchange intends to make the proposed modifications, which are effective upon filing, operative as of the commencement of trading on July 1, 2013. Pursuant to Exchange Rule 16.1(c), the Exchange will ''provide ETP Holders with notice of all relevant dues, fees, assessments and charges of the Exchange'' through the issuance of an Information Circular and will post a copy of the rule filing on the Exchange's Web site (*www.nsx.com*).

2. Statutory Basis

The Exchange believes that the proposed increase in the rebate for Double Play Orders routed away and executed on the CBSX is consistent with the provisions of Section 6(b) of the Act,[12] in general, and Sections 6(b)(4)[13] and 6(b)(5)[14] of the Act[15] in particular. The Exchange submits that the amendments to the Fee Schedule provide for the equitable allocation of reasonable, dues, fees and other charges among market participants and persons using the facilities of the Exchange and are therefore consistent with Section 6(b)(4) of the Act. The increased rebate is equitably allocated among ETP Holders, issuers and persons using the Exchange's facilities because all ETP Holders are eligible to submit (or not submit) Double Play Orders at their discretion. The Exchange notes that ETP Holders using the Double Play Order to access the CBSX will receive a rebate rather than being charged the Exchange's standard fees for routing orders. This is because the Exchange is passing through to ETP Holders the rebate it receives from CBSX. Providing ETP Holders with a rebate for directing Double Play Orders to the CBSX is reasonable to increase order flow handled by the Exchange. Increased use of the Double Play Order should also increase liquidity at the Exchange since any unexecuted portion is returned to the NSX Book.

The increased rebate is consistent with Section 6(b)(5) of the Act because use of the Double Play Order is available to all ETP Holders, without limitation, and thus the Fee Schedule amendment does not permit unfair discrimination among issuers, ETP Holders or their customers. The increased rebate is also consistent with the protection of investors and the public interest in that they are designed to encourage increased liquidity and more efficient and economical securities trading.

The Exchange believes that offering a different rebate structure for the Select Securities is consistent with Section 6(b)(4) of the Act is an equitable allocation of rebates among persons entering orders on the Exchange. In addition, the Exchange believes that the rebates are reasonable based on the trading in the Selected Securities. The liquidity profiles of the Select Securities are different from those for other symbols. The NBBO market width in the Select Securities in the Select Securities is often $0.01, and the proposed rebate structure for the Select Securities is designed to approximate a midpoint between the NBBO. Further, the proposed rebate structure for the Select Securities is intended to incentivize the trading in the Select Securities and thus provide a greater pool of liquidity. Finally, the proposed rebates for the Select Securities will apply equally to all market participants. The Exchange submits that the different rebate structure for the Select Securities constitutes an equitable allocation of reasonable fees and other charges among ETP Holders, issuers and other persons using the facilities of the Exchange.

The amended rebate structure for the Select Securities is also consistent with Section 6(b)(5) of the Act in that it does not permit unfair discrimination between ETP Holders, issuers and customers. ETP Holders and their customers will choose to send orders in the Select Securities to NSX to be eligible for the amended fee and rebate schedule, but they also have a choice of other execution venues with different pricing mechanisms as well. By offering the enhanced fee and rebate structure in the Select Securities, the Exchange is providing alternatives to ETP Holders and their customers, while also striving to increase the liquidity in the Select Securities on the Exchange.

The Exchange further submits that the proposed clarifications to Section III.A of the Fee Schedule are consistent with the provisions of Section 6(b) of the Act, in general, and Section 6(b)(5) of the Act, in particular, in that these changes are intended to Promote just and equitable principles of trade and the protection of investors. The amendments are intended to provide clarity for ETP Holders, their customers, and other market participants that (i) the Exchange will apply its standard Fee Schedule for any portion of a Double Play Order that is executed on the NSX after returning from another Trading Center or is subsequently routed away by the Exchange in accordance with NSX Rule 11.15(a)(ii); and (ii) the ETP Holders will be charged the $0.0030 routing fee in the event that the Exchange routes an order away in accordance with NSX Rule 11.15(a)(ii), but that such routing fees will not apply to the initial routing of a Double Play Order to the designated away Trading Center. This clarification to the Fee Schedule is consistent with the provisions of Section 6(b) of the Act in that they provide for additional transparency and clarity with respect to the circumstances under which a routing fee will be charged by the Exchange.

Finally, the Exchange believes that the proposed amendments are consistent with Section 6(b)(8) of the Act in that they do not pose any burden on competition that is not necessary or appropriate in furtherance of the Act. The purpose of the proposed amendments is to enhance the ability of the Exchange to attract additional order flow, allow ETP Holders to access liquidity on the CBSX exchange, and expand the pool of liquidity on NSX. The amendments are designed to enhance competition among exchanges and thereby further the purposes of the Act.The exchange notes that it operates in a highly competitive environment in which market participants can make order entry decisions among competing

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(b).

venues. In such an environment, the Exchange must continually review and change its fees and rebates to remain competitive with other exchanges and to offer its ETP Holders and their customers the means to achieve economically efficient securities transactions. The Exchange believes that the proposed rule change reflects this competitive environment.

B. Self-Regulatory Organization's Statement on Burden on Competition

As noted above, the Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act and specifically Section 6(b)(8) in that they do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that increasing the rebate paid to ETP Holders using the Double Play Order will operate to promote competition by potentially attracting additional liquidity to the Exchange and providing access to liquidity on the CBSX. The Exchange does not believe that passing through the rebate received from the CBSX to ETP Holders imposes a burden on competition for any other Exchange approved Trading Center since other Trading Centers may offer other competitive functions or features such as low cost executions, faster executions, of increased levels of liquidity. The ETP Holder may choose which offering is most attractive and the increased rebate is one factor which an ETP Holder may consider. As stated above, the Exchange operates in a highly competitive market in which market participants can choose competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has taken effect upon filing pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [16] and subparagraph (f)(2) of Rule 19b–4.[17] At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSX–2013–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NSX–2013–14. 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 the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSX–2013–14, and should be submitted on or before August 2, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–16749 Filed 7–11–13; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

[17] 17 CFR 240.19b–4.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69944; File No. SR–NASDAQ–2013–079]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to the WisdomTree Global Corporate Bond Fund and the WisdomTree Emerging Markets Corporate Bond Fund

July 8, 2013.

I. Introduction

On May 17, 2013, The NASDAQ Stock Market LLC (''Exchange'' or ''Nasdaq'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to the WisdomTree Global Corporate Bond Fund (''Global Fund'') and the WisdomTree Emerging Markets Corporate Bond Fund (''Emerging Markets Fund,'' and collectively with the Global Fund, the ''Funds'') of the WisdomTree Trust (''Trust''). On May 20, 2013, the Exchange filed Partial Amendment No. 1 to the proposed rule change. The Commission published for comment in the **Federal Register** notice of the proposed rule change, as modified by Amendment No. 1 thereto, on June 4, 2013.[3] The Commission received no comments on the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 1 thereto.

II. Description of the Proposed Rule Change

The Commission approved the listing and trading of Shares of each of the Funds under NASDAQ Rule 5735, which governs the listing and trading of Managed Fund Shares on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 69657 (May 29, 2013), 78 FR 33457 (''Notice'').

Exchange.[4] The Funds are actively managed exchange-traded funds (''ETFs''). The Shares are offered by the Trust, which was established as a Delaware statutory trust on December 15, 2005.[5] The Trust, which is registered with the Commission as an investment company, filed a registration statement on Form N–1A with the Commission on behalf of each of the Funds (each, a ''Registration Statement'').[6] WisdomTree Asset Management, Inc. is the investment adviser (''Adviser'') to the Funds. Western Asset Management Company serves as sub-adviser for the Funds (''Sub-Adviser'').

The proposed rule change seeks to: (i) Allow each Fund to invest up to 40% of its net assets (calculated at the time of investment) in Rule 144A securities that have been deemed liquid by the Adviser or Sub-Adviser, in addition to the 15% investment limitation on illiquid securities (which limitation, following approval of this proposal, would include Rule 144A securities deemed illiquid by the Adviser or Sub-Adviser); (ii) permit the Global Fund to invest up to 20% of its net assets in sovereign debt;[7] and (iii) amend the definitions of Global Corporate Debt in the Global Fund and Corporate and Quasi-Sovereign Debt in the Emerging Markets Fund to include both (a) inflation-protected debt, fixed income securities and other debt obligations linked to inflation rates of local economies, and (b) variable rate or floating rate securities which are readjusted on set dates (such as the last day of the month or calendar quarter) in the case of variable rates or whenever a specified interest rate change occurs in the case of a floating rate instrument.[8]

Under the Prior Approval Orders, the Funds are permitted to hold up to 15% of their respective net assets in illiquid securities (calculated at the time of investment), including (i) Rule 144A securities and (ii) loan interests (such as loan participations and assignments, but not including LPNs). Under the 1940 Act and rules thereunder, the Funds are required to monitor their respective portfolio's liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and to consider taking appropriate steps in order to maintain adequate liquidity if through a change in values, net assets or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities.[9]

The Exchange seeks to modify the Advisor's representations in the Prior Approval Orders to increase the percentage of Rule 144A securities that each Fund may hold. Under the proposed amendment, each Fund may continue to hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including (i) Rule 144A securities deemed illiquid by the Adviser or Sub-Adviser, and (ii) loan interests (including loan participations and assignments, but not including LPNs).[10] In addition, each Fund would be permitted under the proposal to hold up to an additional 40% of its net assets (calculated at the time of investment) in Rule 144A securities, so long as those Rule 144A securities are not deemed illiquid by the Adviser or Sub-Adviser. The proposed rule change would, therefore, exclude liquid Rule 144A securities from the 15% limitation on investments in illiquid securities and limit each Fund's investment in liquid Rule 144A securities to 40% of the Fund's net assets. The Adviser represents that each Fund's holdings in Rule 144A securities not deemed illiquid by it or the Sub-Adviser will be comprised of issuances with more than $100 million principal outstanding.

The Adviser represents that the purpose of this aspect of the proposed change is to provide the Sub-Adviser greater flexibility to meet each Fund's investment objectives. Rule 144A securities are securities that are not registered under the Securities Act and which can only be offered and sold to ''qualified institutional buyers'' under Rule 144A of the Securities Act.[11] The Exchange notes that Rule 144A was adopted, in part, to promote a more liquid resale market in unregistered securities among institutional investors,[12] and the Adviser represents that liquid institutional markets for Rule 144A securities, including those Rule 144A securities generally held by the Funds, have developed. The Adviser represents that, for example, most reference benchmarks for non-investment grade corporate bonds include more than 25% Rule 144A securities.[13] The Adviser does not expect a materially different result for the Funds since the market for investment grade bonds,[14] which the

[4] *See* Securities Exchange Act Release Nos. 66489 (February 29, 2012), 77 FR 13379 (March 6, 2012) (SR–NASDAQ–2012–004) (order approving listing and trading of WisdomTree Emerging Markets Corporate Bond Fund) (''Emerging Markets Fund Order''); and 68073 (October 19, 2012), 77 FR 65237 (October 25, 2012) (SR–NASDAQ–2012–98) (order approving listing and trading of WisdomTree Global Corporate Bond Fund) (''Global Fund Order,'' and collectively the ''Prior Approval Orders'').

[5] The Commission issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940 (''1940 Act''). *See* Investment Company Act Release No. 28171 (October 27, 2008) (File No. 812–13458) (''Exemptive Order'').

[6] *See* Post-Effective Amendment Nos. 99 to Registration Statement on Form N–1A for the Trust, dated February 8, 2012 (File Nos. 333–132380 and 811–21864) (relating to the Emerging Markets Fund) and 139 to Registration Statement on Form N–1A for the Trust, dated October 26, 2012 (relating to the Global Fund).

[7] Sovereign debt does not fall within the definition of Global Corporate Debt in the Global Fund Order, and it therefore would not be considered as part of the 80% minimum investment in fixed income securities that are Global Corporate Debt within the Global Fund Order. The Registration Statement defines ''sovereign debt'' as ''debt securities of foreign governments,'' for purposes of the Global Fund.

[8] Variable or floating interest rates generally reduce changes in the market price of securities from their original purchase price because, upon readjustment, such rates approximate market rates. Accordingly, as interest rates decrease or increase, the potential for capital appreciation or depreciation is less for variable or floating rate securities than for fixed rate obligations.

[9] Illiquid securities were defined in the Emerging Markets Fund Order to include securities that cannot be sold or disposed of within seven days in the ordinary course of business at approximately the amount at which a fund has valued such securities. Illiquid securities were defined in the Global Fund Order to include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance. *See* Prior Approval Orders, *supra* note 4.

[10] While the ultimate responsibility for determination of liquidity of securities (including Rule 144A securities) lies with each Fund's Board of Directors, the Funds' Sub-Adviser is responsible for complying with each Fund's restrictions on investing in illiquid securities on a day-to-day basis. In doing that, the Sub-Adviser makes ongoing determinations about the liquidity of Rule 144A securities in which the respective Fund may invest. In reaching liquidity decisions, the Adviser represents that the Sub-Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and of the marketplace trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer). *See* Securities Act Release No. 6862 (April 23, 1990), 55 FR 17933, 17940 (April 30, 1990) (Resale of Restricted Securities; Changes to Method of Determining Holding Period of Restricted Securities Under Rules 144 and 145). *See also* Notice, *supra* note 3.

[11] The term ''qualified institutional buyer'' (QIB) is defined in Rule 144A(a)(1). 17 CFR 230.144A(a)(1).

[12] *See* Securities Act Release No. 6862 (April 23, 1990), 55 FR 17933 (April 30, 1990).

[13] *See, e.g.,* Merrill Lynch High Yield Master II index (''Master II index''), which as of November 6, 2012, was comprised of 32% Rule 144A securities. The Master II index is the benchmark index for the American Century High-Yield Inv ETF (ABHIX). Also, as of March 6, 2013, Barclays High Yield Very Liquid Index was comprised of 43% Rule 144A securities. That index is the benchmark for the SPDR Barclays High Yield Bond ETF (JNK).

[14] The Global Fund intends to have 55% or more of its assets invested in investment grade securities, though this percentage may change from time to time in response to economic events and changes in the credit ratings of such issuers. *See* Global Fund Order at 65238. The Emerging Markets Fund expects to have 65% or more of its assets invested

Continued

Funds each hold, is typically more liquid than the market for similar non-investment grade bonds. The Adviser further notes that the average issue size for Rule 144A securities is comparable to the average issue size for registered securities within most high yield bond indices. Finally, the Adviser represents that currently-listed high yield bond ETFs typically include a significant percentage of Rule 144A securities within their respective portfolios.[15] Based on these representations, the Exchange believes there is ample existing precedent, and that its proposal is consistent with such precedent, to permit each Fund to invest up to 40% of its net assets (calculated at the time of investment) in liquid Rule 144A securities, in addition to the 15% limitation on illiquid securities, including illiquid Rule 144A securities.

The Adviser represents that it does not believe that the ability of the Funds' agent to calculate Net Asset Value (''NAV'') and an indicative intra-day value (''IIV'') for each Fund, and disseminate such IIV every 15 seconds throughout the trading day, has been impeded by the Funds' current Rule 144A holdings limited to 15% of net assets, and the Adviser does not expect that permitting each Fund to increase its liquid Rule 144A holdings as set forth above will impede the ability of the Funds' agent to calculate an NAV and an IIV and disseminate such IIV every 15 seconds throughout the trading day.

In addition to modifying the percentage of Rule 144A holdings in which the Funds may invest, the Exchange also proposes that the requirements of the Global Fund Order be modified to permit the Global Fund to invest up to 20% of its net assets in sovereign debt, which regarding the Global Fund, is defined as ''debt securities of foreign governments.''[16]

Finally, the Exchange proposes to modify the definition of Global Corporate Debt with respect to the Global Fund and Corporate and Quasi-Sovereign Debt with respect to the Emerging Markets Fund to include inflation protected debt and certain variable rate or floating rate securities.

The Global Fund Order defined Global Corporate Debt to include fixed income securities, such as bonds, notes, or other debt obligations, including LPNs, as well as debt instruments denominated in U.S. dollars or local currencies. Global Corporate Debt also included fixed income securities or debt obligations issued by companies or agencies that may receive financial support or backing from local governments, as well as money market securities as defined therein.[17]

The Emerging Markets Fund Order defined Corporate and Quasi-Sovereign Debt as fixed income securities of emerging market countries, such as bonds, notes or other debt obligations, including LPNs, as well as other instruments, such as derivative instruments, collateralized by money market securities, as defined therein. Quasi-Sovereign Debt referred specifically to fixed income securities or debt obligations that are issued by companies or agencies that may receive financial support or backing from a local government.

The Exchange proposes that the Prior Approval Orders be modified to amend the definitions of Global Corporate Debt with respect to the Global Fund and Corporate and Quasi-Sovereign Debt with respect to the Emerging Markets Fund, to include (i) inflation-protected debt, including fixed income securities and other debt obligations linked to inflation rates of local economies, and (ii) variable rate or floating rate securities which are readjusted on set dates (such as the last day of the month or calendar quarter) in the case of variable rates or whenever a specified interest rate change occurs in the case of a floating rate instrument. The Adviser represents that these proposed changes regarding permitted investments would allow the Funds to invest in a broader range of market sectors and thus would help further the Funds' investment objectives to obtain both income and capital appreciation through direct and indirect investments in Global Corporate Debt or Corporate and Quasi-Sovereign Debt, as applicable, and other investments.

Additional information regarding the Funds, such as pricing and valuation, including NAV, can be found in the Notice and Prior Approval Orders.

Except for the changes discussed herein, all other facts presented and representations made in the Rule 19b–4[18] filings underlying the Prior Approval Orders remain unchanged. The Exchange represents that the changes proposed would be consistent with the Exemptive Order[19] and the 1940 Act and rules thereunder.

III. Discussion and Commission's Findings

The Commission believes that the proposal is consistent with Section 6(b) of the Act,[20] in general, and Section 6(b)(5) of the Act,[21] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.[22]

The Commission understands that, while one aspect of this proposal will allow each Fund to invest up to 40% of its net assets (calculated at the time of investment) in liquid Rule 144A securities, the Funds will continue to be capped at 15% of their respective net assets (calculated at the time of investment) in illiquid securities, including illiquid Rule 144A securities and loan participations or assignments (but not including LPNs). The Sub-Adviser, who is responsible for day-to-

in investment grade securities, though this percentage may change in response to economic events and changes to the ratings of such issuers. *See* Emerging Markets Order at 13380.

The Global Fund Order defines the term ''investment grade'' to mean securities rated in the Baa/BBB categories or above by one or more nationally recognized statistical rating organizations (''NRSROs''). If a security is rated by multiple NRSROs, each Fund will treat the security as being rated in the highest rating category received from an NRSRO. Rating categories may include sub-categories or gradations indicating relative standing. *See* Global Fund Order at note 11. The Emerging Markets Fund Order does not define the term ''investment grade.'' However, the Adviser represents that it intends to apply the definition of ''investment'' grade'' in the Global Fund Order to the Emerging Markets Fund. *See* Notice, *supra* note 3; *see also,* Prior Approval Orders, *supra* note 4.

[15] For example, the Adviser represents that as of November 6, 2012, more than 30% of the investment portfolio of the actively-managed Peritus High Yield ETF was comprised of Rule 144A securities. *See* Securities Exchange Act Release Nos. 63329 (November 17, 2010), 75 FR 71760 (November 24, 2010) (SR–NYSEArca–2010–86) (order approving proposed rule change relating to listing and trading of Peritus High Yield ETF); and 63041 (October 5, 2010), 75 FR 62905 (October 13, 2010) (SR–NYSEArca–2010–86) (notice of filing of proposed rule change to list the Peritus High Yield ETF). *See also* Securities Exchange Act Release No. 66818 (April 17, 2012), 77 FR 24233 (April 23, 2012) (SR–NYSEArca–2012–33) (notice of filing and immediate effectiveness of proposed rule change regarding Peritus High Yield ETF). The Adviser also represents that the investment strategies of various index-based high yield ETFs permit active use of Rule 144A securities, provided such securities are deemed liquid. *See, e.g.,* prospectus for SPDR Barclays Capital High Yield Bond ETF, *https://www.spdrs.com/library-content/public/SPDR_SERIES%20TRUST_SAI.pdf,* which explicitly permits the fund to invest in Rule 144A securities deemed liquid. The Adviser represents that as of November 6, 2012, the portfolio of the SPDR Barclays High Yield Bond ETF included approximately 37% Rule 144A securities.

[16] *See supra,* note 7.

[17] *See* Global Fund Order, *supra* note 4.

[18] 17 CFR 240.19b–4.

[19] *See supra,* note 5.

[20] 15 U.S.C. 78f.

[21] 15 U.S.C. 78f(b)(5).

[22] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

day decisions regarding liquidity of securities, may consider the following factors regarding liquidity: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and of the marketplace trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).[23] Ultimately, however, each Fund's Board of Directors has responsibility for determining the liquidity of securities (including Rule 144A securities) held by the Funds. The Commission notes that the Adviser represents that each Fund's holdings in Rule 144A securities deemed liquid by the Sub-Adviser will be part of an issuance with more than $100 million in principal outstanding. Finally, the Exchange has stated that the Adviser represents it does not expect that the proposed rule change will impede the ability of the Funds' agent to calculate an NAV and an IIV and disseminate such IIV every 15 seconds throughout the trading day.

The Commission further notes that pursuant to the 1940 Act and rules thereunder, the Funds are required to monitor their respective portfolio's liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and to consider taking appropriate steps in order to maintain adequate liquidity if through a change in values, net assets or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities.

Thus, the Commission finds that providing the Adviser and Sub-Adviser additional flexibility with respect to investing in a larger percentage of investments in Rule 144A Securities, given the protections discussed above, is consistent with the Act.

The Exchange also proposes to allow the Global Fund to invest up to 20% of its net assets in sovereign debt, which is defined as ''debt securities of foreign governments.'' [24] Given that the Global Fund will continue to have at least 80% of its net assets in Global Corporate Debt that are fixed income securities and the Fund's limitation regarding non-investment grade securities, the Commission believes it is consistent with the Act for the Exchange to allow up to 20% of net assets of the Global Fund in sovereign debt.

Finally, the Commission believes that it is consistent with the Act for the Exchange to amend the definition of Global Corporate Debt in the Global Fund and Corporate and Quasi-Sovereign Debt in the Emerging Markets Fund, as set forth in the Prior Approval Orders, to include (i) inflation-protected debt, fixed income securities and other debt obligations linked to inflation rates of local economies, and (ii) variable rate or floating rate securities which are readjusted on set dates (such as the last day of the month or calendar quarter) in the case of variable rates or whenever a specified interest rate change occurs in the case of a floating rate instrument. The Commission believes that this expansion of the definition is reasonable, given the characteristics of these securities, and would permit the Funds to invest in a broader range of market sectors, and thereby help further the Fund's objectives to obtain both income and capital appreciation through direct and indirect investments in Global Corporate Debt or Corporate and Quasi-Sovereign Debt, as applicable, and other investments. Thus, the Commission finds this aspect of the proposal is consistent with the Act.[25]

Importantly, the Commission notes that the Shares will continue to be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NASDAQ Rule 5735. In addition, the Adviser represents there is no change to either Fund's investment objective, and except for the limited changes discussed herein, all other facts represented and representations made in the Rule 19b–4 [26] filings underlying the Prior Approval Orders, and representations and findings set forth in the Prior Approval Orders, remain unchanged. The Exchange represents that the changes proposed would be consistent with the Exemptive Order [27] and the 1940 Act and rules thereunder.

This approval order is based on the Exchange's representations.

IV. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act [28] and the rules and regulations thereunder applicable to a national securities exchange.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[29] that the proposed rule change (SR–NASDAQ–2013–079), as modified by Amendment No. 1 thereto, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–16689 Filed 7–11–13; 8:45 am]

BILLING CODE 8011–01–P

[23] *See* Securities Act Release No. 6862 (April 23, 1990), 55 FR 17933, 17940 (April 30, 1990) (Resale of Restricted Securities; Changes to Method of Determining Holding Period of Restricted Securities Under Rules 144 and 145). *See also supra,* note 10.

[24] Sovereign debt, according to the Exchange, enjoys a relationship to foreign governments that is not unlike that of Treasury debt securities and the U.S. government. *See* Notice, *supra* note 3.

[25] *See, e.g.,* Securities Act Release Nos. 65458 (September 30, 2011), 76 FR 62112 (October 6, 2011) (SR–NYSEArca–2011–54) and 64935 (July 20, 2011), 76 FR 44966 (July 27, 2011) (SR–NYSEArca–2011–31).

[26] 17 CFR 240.19b–4.

[27] *See supra,* note 5.

[28] 15 U.S.C. 78f(b)(5).

[29] 15 U.S.C. 78s(b)(2).

[30] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8376]

30-Day Notice of Proposed Information Collection: Electronic Diversity Visa Entry Form

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to August 12, 2013.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Sydney Taylor, Visa Services, U.S.

Department of State, 2401 E. Street NW., L–603, Washington, DC 20522, who may be reached at *PRA_BurdenComments@state.gov*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Electronic Diversity Visa Entry Form.
- *OMB Control Number:* 1405–0153.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Office of Visa Services (CA/VO).
- *Form Number:* DS–5501.
- *Respondents:* Aliens entering the Diversity Visa Lottery.
- *Estimated Number of Respondents:* 8 million per year.
- *Estimated Number of Responses:* 8 million per year.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 4 million hours per year.
- *Frequency:* Once per entry.
- *Obligation To Respond:* Required to Obtain Benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection:

The Department of State utilizes the Electronic Diversity Visa Lottery (EDV) Entry Form to elicit information necessary to ascertain the applicability of the legal provisions of the diversity program. Primary requirements are that the applicant is from a low admission country, is a high school graduate, or has two years of experience in a job that requires two years of training. The foreign nationals complete the electronic entry forms and then applications are randomly selected for participation in the program. Department of State regulations pertaining to diversity immigrant visas under the INA are published in 22 CFR 42.33.

Methodology:

The EDV Entry Form is available online at *www.dvlottery.state.gov* and can only be submitted electronically during the annual registration period.

Dated: July 3, 2013.

Edward J. Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2013–16756 Filed 7–11–13; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 8378]

Culturally Significant Objects Imported for Exhibition Determinations: ''Kongo Across the Waters''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the objects to be included in the exhibition ''Kongo across the Waters,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Samuel P. Harn Museum of Art, Gainesville, Florida, from on or about October 22, 2013, until on or about March 23, 2014, the Jimmy Carter Presidential Library and Museum, Atlanta, Georgia, from on or about May 17, 2014, until on or about September 21, 2014, the Princeton University Museum of Art, Princeton, New Jersey, from on or about October 25, 2014, until on or about January 25, 2015, and the New Orleans Museum of Art, New Orleans, Louisiana, from on or about February 27, 2015, until on or about May 25, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: July 2, 2013.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–16787 Filed 7–11–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8377]

Determination Under Section 107(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008

Pursuant to the authority vested in me by Section 107(a) of the William Wilberforce Trafficking Victims Protection Act of 2008 (Pub. L. 110–457) and Delegation of Waiver Authority Pursuant to Section 107(a) of Public Law 110–457, I hereby determine that a waiver of the application of clause (i) of Section 110(b)(3)(D) of the Trafficking Victims Protection Act of 2000, as amended (Pub. L. 106–386), is justified with respect to Afghanistan, Angola, Barbados, Belarus, Burundi, Chad, Comoros, The Gambia, Liberia, Malaysia, Maldives, and Thailand.

This Determination shall be reported to Congress and published in the **Federal Register**.

Dated: June 14, 2013.

John F. Kerry,

Secretary of State.

[FR Doc. 2013–16786 Filed 7–11–13; 8:45 am]

BILLING CODE 4710–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June 20, 2013, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on June 20, 2013, in Harrisburg, Pennsylvania, the Commission took the following actions: (1) Approved or tabled the applications of certain water resources projects; (2) rescinded approvals for two projects; (3) accepted settlements in lieu of penalty from Furman Foods, Inc. and Carrizo (Marcellus) LLC; and (4) took additional actions, as set forth in the **SUPPLEMENTARY INFORMATION** below.

DATES: June 20, 2013.

ADDRESSES: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102–2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 306; fax: (717) 238–2436; email: *rcairo@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission Web site at *www.srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) Honored retiring staff members Thomas W. Beauduy, Deputy Executive Director, and Susan S. Obleski, Communications Director; (2) heard a presentation from SRBC staff member Kim Dagen on upgrades to the Susquehanna Early Warning System for water suppliers with intakes on the Susquehanna River; (3) adopted the proposed FY–2015 budget for the period July 1, 2014, to June 20, 2015; (4) adopted the FY–2014/2015 Water Resources Program; (5) released the 2013 Update of the Comprehensive Plan for public review and comment and scheduled a public hearing on the 2013 Update on August 15, 2013; (6) approved a revised Regulatory Program Fee Schedule; (7) elected the member from the federal government as Chair of the Commission and the member from New York State as the Vice Chair of the Commission for the period July 1, 2013, to June 30, 2014; and (8) approved/ratified six grants, including two resolutions for grants involving AMD Abatement and Treatment and Watershed Restoration and Protection.

Compliance Matters

The Commission approved settlements in lieu of civil penalty for the following projects:

1. Furman Foods, Inc., Point Township, Northumberland County, Pa.—$52,150.

2. Carrizo (Marcellus) LLC, various operations within the Susquehanna River Basin, Pa.—$90,000.

Rescission of Project Approvals

The Commission rescinded approvals for the following projects:

1. Project Sponsor and Facility: Chevron Appalachia, LLC (Chest Creek), Chest Township, Clearfield County, Pa. (Docket No. 20100603).

2. Project Sponsor and Facility: Albemarle Corporation, Borough of Tyrone, Blair County, Pa. (Docket Nos. 20010203 and 20010203–1).

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Aqua Infrastructure, LLC (Clearfield Creek), Boggs Township, Clearfield County, Pa. Renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20081202).

2. Project Sponsor and Facility: Michael and Sandra Buhler (Bennett Branch Sinnemahoning Creek), Huston Township, Clearfield County, Pa. Surface water withdrawal of up to 1.000 mgd (peak day).

3. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Groundwater withdrawal of up to 0.641 mgd (30-day average) from Well 1.

4. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Groundwater withdrawal of up to 0.641 mgd (30-day average) from Well 2.

5. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Groundwater withdrawal of up to 0.662 mgd (30-day average) from Well 3.

6. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Consumptive water use of up to 0.283 mgd (peak day).

7. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, Pa. Groundwater withdrawal of up to 0.073 mgd (30-day average) from Well 5.

8. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, Pa. Groundwater withdrawal of up to 0.043 mgd (30-day average) from Well 6.

9. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, Pa. Groundwater withdrawal of up to 0.064 mgd (30-day average) from Well 7.

10. Project Sponsor and Facility: Equipment Transport, LLC (Pine Creek), Gaines Township, Tioga County, Pa. Surface water withdrawal of up to 0.467 mgd (peak day).

11. Project Sponsor and Facility: Equipment Transport, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.999 mgd (peak day).

12. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Consumptive water use of up to 0.900 mgd (peak day).

13. Project Sponsor and Facility: LDG Innovation, LLC (Tioga River), Lawrenceville Borough, Tioga County, Pa. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20100311).

14. Project Sponsor and Facility: Municipal Authority of the Borough of Mansfield, Richmond Township, Tioga County, Pa. Groundwater withdrawal of up to 0.079 mgd (30-day average) from Well 3, and authorization for interconnection with Mansfield University as a supplemental source.

15. Project Sponsor and Facility: Martinsburg Municipal Authority, North Woodbury Township, Blair County, Pa. Groundwater withdrawal of up to 0.288 mgd (30-day average) from Wineland Well RW–1.

16. Project Sponsor and Facility: Navitus, LLC (North Spring, Logan Branch Watershed), Spring Township, Centre County, Pa. Surface water withdrawal of up to 1.000 mgd (peak day).

17. Project Sponsor: New Morgan Landfill Company, Inc. Project Facility: Conestoga Landfill, New Morgan Borough, Berks County, Pa. Groundwater withdrawal of up to 0.007 mgd (30-day average) from Well SW–4.

18. Project Sponsor and Facility: Somerset Regional Water Resources, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, Pa. Modification to project features of the surface water withdrawal approval (Docket No. 20100905).

19. Project Sponsor and Facility: Southwestern Energy Production Company (Middle Lake), New Milford Township, Susquehanna County, Pa. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20121223).

20. Project Sponsor and Facility: WPX Energy Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20090303).

21. Project Sponsor and Facility: York County Solid Waste and Refuse Authority, Hopewell Township, York County, Pa. Modification to metering requirements of the groundwater withdrawal approval (Docket No. 20121226).

Project Applications Tabled

The Commission tabled the following project applications:

1. Project Sponsor and Facility: Aqua Infrastructure, LLC (Tioga River), Hamilton Township, Tioga County, Pa. Application for surface water

withdrawal of up to 2.500 mgd (peak day).

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20080906).

3. Project Sponsor: New Oxford Municipal Authority. Project Facility: Oxen Country Meadows, Oxford Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Oxen Country Meadows (OCM) Well 1.

4. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 41 (Docket No. 19820501).

5. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 43 (Docket No. 19820501).

6. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.720 mgd (30-day average) from Well 53 (Docket No. 19820501).

7. Project Sponsor: SWEPI LP (Tioga River), Richmond Township, Tioga County, Pa. Application for renewal of surface water withdrawal with modification to increase by an additional 0.843 mgd (peak day), for a total of 0.950 mgd (peak day) (Docket No. 20090612).

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 3, 2013.

Thomas W. Beauduy,

Deputy Executive Director.

[FR Doc. 2013–16726 Filed 7–11–13; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2013–0131]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection(s): Procedures for Transportation Workplace Drug and Alcohol Testing Programs

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves Transportation Drug and Alcohol Testing. The information to be collected will be used to document tests conducted and actions taken to ensure safety in the workplace and/or is necessary because under the Omnibus Transportation Employee Testing Act of 1991, DOT is required to implement a drug and alcohol testing program in various transportation-related industries. DOT is required to publish this notice in the **Federal Register** in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Comments to this notice must be received by September 10, 2013.

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

- *Web site: http://www.regulations.gov* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Federal eRulemaking Portal: http://www.regulations.gov* Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: You must include the agency name and docket number [DOT–OST–2013–0131] of this notice at the beginning of your comment. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided. Please see the Privacy Act section of this document.

Docket: You may view the public docket through the Internet at *http://www.regulations.gov* or in person at the Docket Management System office at the above address.

FOR FURTHER INFORMATION CONTACT: Bohdan Baczara, Office of Drug and Alcohol Policy and Compliance, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W62–300, Washington, DC 20590; 202–366–3784 (voice), 202–366–3897 (fax), or *bohdan.baczara@dot.gov* (email).

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105–0529.

Title: Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

Form Numbers: DOT F 1385; DOT F 1380.

Type of Review: Clearance of a renewal of an information collection.

Background: Under the Omnibus Transportation Employee Testing Act of 1991, DOT is required to implement a drug and alcohol testing program in various transportation-related industries. This specific requirement is elaborated in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. This request for a renewal of the information collection for the program includes 43 burden items among which are the U.S. Department of Transportation Alcohol Testing Form (ATF) [DOT F 1380] and the DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form [DOT F 1385]. The ATF includes the employee's name, the type of test taken, the date of the test, and the name of the employer. Custody and control is essential to the basic purpose of the alcohol testing program. Data on each test conducted, including test results, are necessary to document tests conducted and actions taken to ensure safety in the workplace.

The MIS form includes employer specific drug and alcohol testing information such as the reason for the test and the cumulative number of positive, negative and refusal test results. The MIS data is used by each of the affected DOT Agencies (i.e., Federal Aviation Administration, Federal Transit Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration, and the Pipeline and Hazardous Materials Safety Administration) and the United States Coast Guard when calculating their random testing rates.

Respondents: The information will be used by transportation employers, Department representatives, and a variety of service agents. Estimated total number of respondents is 2,639,331.

Frequency: The information will be collected annually.

Estimated Total Number Burden Hours: 678,986.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for DOT's performance; (b) the accuracy of the estimated burden; (c) ways for the DOT to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized 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 in Washington, DC, on July 8, 2013.

Dated: July 8, 2013.

Patrice M. Kelly,

Deputy Director, Office of Drug and Alcohol Policy and Compliance.

[FR Doc. 2013–16789 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0030]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 32 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before August 12, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0030 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 32 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Steven L. Albert

Mr. Albert, age 46, has had aphakia in his right eye since 1991. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2012, his ophthalmologist noted, ''His vision is sufficient to perform driving tasks to operate a commercial vehicle.'' Mr. Albert reported that he has driven straight trucks for 15.5 years, accumulating 69,750 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows two crashes for which he was cited and no additional convictions for moving violations in a CMV.

Manassah E. Baker

Mr. Baker, 60, has had a prosthetic right eye since 1977. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2012, his ophthalmologist noted, ''The patient has sufficient vision to perform driving tasks that are required to operate a commercial vehicle.'' Mr. Baker reported that he has driven straight trucks for 9 months, accumulating 15,588 miles, and tractor-trailer combinations for 42 years, accumulating 4.2 million miles. He holds a Class A Commercial Driver's License (CDL) from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Carl H. Block

Mr. Block, 44, has had a central retinal artery occlusion in his right eye since 2009. The visual acuity in his right eye is 20/200, and in his left eye, 20/15. Following an examination in 2012, his ophthalmologist noted, ''It is my medical opinion that Mr. Block has sufficient vision to perform the driving

tasks required to operate a commercial vehicle.'' Mr. Block reported that he has driven straight trucks for 14 years, accumulating 84,000 miles, and tractor-trailer combinations for 10 years, accumulating 20,000 miles. He holds a Class AM CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Christopher W. Brim

Mr. Brim, 26, has had a prosthetic right eye since childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2013, his ophthalmologist noted, ''I feel he has sufficient vision to operate a commercial vehicle.'' Mr. Brim reported that he has driven straight trucks for 4.5 years, accumulating 79,799 miles. He holds an operator's license from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John W. Camp

Mr. Camp, 52, has had strabismic amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/250. Following an examination in 2013, his optometrist noted, ''In my medical opinion, I feel M. John Camp [sic] had sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Camp reported that he has driven tractor-trailer combinations for 30 years, accumulating 4.5 million miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ralph Carr

Mr. Carr, 55, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''I certify that Ralph Carr has sufficient vision to operate a commercial vehicle according to current standards.'' Mr. Carr reported that he has driven straight trucks for 34 years, accumulating 397,800 miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Juan Carranco

Mr. Carranco, 56, has had refractive amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/100. Following an examination in 2013, his optometrist noted, ''My opinion is that Mr. Carranco has sufficient vision to perform the driving tasks required to operate a commercial vehicle and should be considered for a Federal Vision Exemption through the Federal Motor Carrier Safety Administration.'' Mr. Carranco reported that he has driven tractor-trailer combinations for 37 years, accumulating 2.2 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

William Chisley

Mr. Chisley, 32, has had refractive amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/25. Following an examination in 2012, his optometrist noted, ''Examination today reveals that Mr. Chisley has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Chisley reported that he has driven straight trucks for 5 years, accumulating 2400 miles. He holds a Class A CDL from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Westcott G. Clarke

Mr. Clarke, 63, has had optic neuropathy in his left eye since 2003. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2012, his optometrist noted, ''It is my opinion that Mr. Clarke functions very well visually to operate commercial vehicles on public roads. He is corrected to 20/20 and is quite able to perform required driving tasks.'' Mr. Clarke reported that he has driven straight trucks for 40 years, accumulating 600,000 miles. He holds an operator's license from Massachusetts. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jerrald A. Crabtree

Mr. Crabtree, 39, has had complete loss of vision in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2013, his optometrist noted, ''In my professional opinion, Mr. Crabtree has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Crabtree reported that he has driven straight trucks for 19 years, accumulating 950,000 miles. He holds a Class B CDL from Washington. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he exceeded the speed limit by 15 mph.

John A. Dilts

Mr. Dilts, 62, has had anisometropic amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/15. Following an examination in 2013, his optometrist noted, ''In my professional opinion, Mr. Dilts does have sufficient vision to perform the driving tasks that would be required to operate a commercial vehicle.'' Mr. Dilts reported that he has driven straight trucks for 40 years, accumulating 330,000 miles. He holds a Class B CDL from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Phyllis Dodson

Ms. Dodson, 55, has had amblyopia in her right eye since childhood. The visual acuity in her right eye is counting fingers, and in her left eye, 20/20. Following an examination in 2012, her optometrist noted, ''I certify that in my medical opinion, Ms. Dodson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Ms. Dodson reported that she has driven buses for 18 years, accumulating 576,000 miles. She holds a Class B CDL from Indiana. Her driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Donnie H. Eagle

Mr. Eagle, 60, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2013, his optometrist noted, ''It is my medical opinion that Mr. Eagle has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Eagle reported that he has driven straight trucks for 37 years, accumulating 370,000 miles, and tractor-trailer combinations for 37 years, accumulating 3.7 million miles. He holds a Class A CDL from West Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Phillip L. Ergovich

Mr. Ergovich, 60, has had a toxoplasmosis scar in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''In my medical opinion, he has sufficient vision to

perform the driving tasks required to operate a commercial vehicle.'' Mr. Ergovich reported that he has driven straight trucks for 16 years, accumulating 624,000 miles. He holds an operator's license from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Udum Khamsoksavath

Mr. Khamsoksavath, 38, has had complete loss of vision in his right eye since birth. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''Based on his ability to compensate for his vision loss and his overall visual field in his left eye, he meets the DOT requirements. I certify he meets the requirements to drive a commercial vehicle.'' Mr. Khamsoksavath reported that he has driven tractor-trailer combinations for 7 years, accumulating 350,000 miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael A. Lancette

Mr. Lancette, 63, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/25. Following an examination in 2013, his ophthalmologist noted, ''In my opinion, Mr. Lancette has sufficient vision to operate a commercial vehicle.'' Mr. Lancette reported that he has driven straight trucks for 40 years, accumulating 4 million miles, and tractor-trailer combinations for 20 years, accumulating 2.5 million miles. He holds a Class ABCD CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Alex P. Makhanov

Mr. Makhanov, 25, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2012, his optometrist noted, ''I certify, in my opinion, that Alex has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Makhanov reported that he has driven straight trucks for 3 years, accumulating 24,000 miles. He holds a Class B CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mitchell Malcolm

Mr. Malcolm, 58, has had a retinal detachment in his left eye since 1985. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2012, his optometrist noted, ''In my medical opinion, Mr. Malcolm would have sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Malcolm reported that he has driven straight trucks for 42 years, accumulating 42,000 miles, and tractor-trailer combinations for 19 years, accumulating 95,000 miles. He holds an operator's license from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Vincent E. Marsee, Sr.

Mr. Marsee, 55, has had a corneal scar in his left eye since 1979. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2013, his optometrist noted, ''Has sufficient vision to drive commercial vehicle.'' Mr. Marsee reported that he has driven tractor-trailer combinations for 13 years, accumulating 1.3 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Phillip P. Mazza

Mr. Mazza, 40, has had a retinal scar in his right eye since 1993. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''It is my professional opinion that Mr. Mazza's vision is more than sufficient to perform the driving tasks required to operate a commercial vehicle.'' Mr. Mazza reported that he has driven straight trucks for 20 years, accumulating 300,000 miles, and tractor-trailer combinations for 18 years, accumulating 144,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Brandin D. Meester

Mr. Meester, 28, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2013, his optometrist noted, ''In my opinion this patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Meester reported that he has driven straight trucks for 3 years, accumulating 180,000 miles. He holds an operator's license from North Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles Moen

Mr. Moen, 57, has had optic neuropathy in his left eye since 2008. The visual acuity in his right eye is 20/25, and in his left eye, 20/60. Following an examination in 2013, his optometrist noted, ''Patient has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Moen reported that he has driven straight trucks for 5 years, accumulating 100,000 miles, and tractor-trailer combinations for 29 years, accumulating 3.2 million miles. He holds a Class CA CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jerome M. Paintner

Mr. Paintner, 60, has had strabismic amblyopia in his right eye since birth. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''In my medical opinion, Mr. Paintner has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Paintner reported that he has driven straight trucks for 15 years, accumulating 45,000 miles. He holds an operator's license from North Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Louis A. Pence

Mr. Pence, 64, has had a corneal scar in his right eye since 2007. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''I believe that Louis Pence has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Pence reported that he has driven straight trucks for 20 years, accumulating 600,000 miles. He holds an operator's license from Wyoming. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jeffrey T. Sanders

Mr. Sanders, 45, has had refractive amblyopia in his left eye since 2002. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2013, his optometrist noted, ''He has a full field of vision in both eyes 160 degrees horizontally. His color vision is within

normal limits and he is approved to operate a commercial vehicle.'' Mr. Sanders reported that he has driven straight trucks for 7 years, accumulating 182,000 miles. He holds an operator's license from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael Schott

Mr. Schott, 63, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/300, and in his left eye, 20/20. Following an examination in 2013, his ophthalmologist noted, ''In my opinion, Mike has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Schott reported that he has driven straight trucks for 4 years, accumulating 200,000 miles, and tractor-trailer combinations for 28 years, accumulating 2.2 million miles. He holds a Class A CDL from Nebraska. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Steven C. Sheeder

Mr. Sheeder, 55, has had complete loss of vision in his left eye since 1990. The visual acuity in his right eye is 20/20. Following an examination in 2012, his optometrist noted, ''He has excellent vision and should have no problems operating a commercial vehicle.'' Mr. Sheeder reported that he has driven straight trucks for 36 years, accumulating 360,000 miles, and tractor-trailer combinations for 36 years, accumulating 7.2 million miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes.

Larry C. Smoot, Jr.

Mr. Smoot, 37, has had a traumatic cataract in his right eye since childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''In my professional opinion, Mr. Larry Smoot Jr. has sufficient vision to drive and operate commercial vehicle.'' Mr. Smoot reported that he has driven tractor-trailer combinations for 17 years, accumulating 1.2 million miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he exceeded the speed limit.

David Snellings

Mr. Snellings, 63, has had a macular pucker in his left eye since 2011. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2013, his ophthalmologist noted, ''In my medical opinion, I do believe Mr. Snellings has sufficient vision to perform his driving tasks of operating a commercial vehicle.'' Mr. Snellings reported that he has driven tractor-trailer combinations for 40 years, accumulating 4 million miles. He holds a Class A CDL from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Edward A. Spakousky

Mr. Spakousky, 51, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/70, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''I believe that Edward does have sufficient vision to perform the driving tasks required to operate a commercial vehicle.''

Mr. Spakousky reported that he has driven straight trucks for 13 years, accumulating 6,500 miles, and tractor-trailer combinations for 13 years, accumulating 780,000 miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jose L. Torres-Perales

Mr. Torres-Perales, 44, has had a cataract in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2012, his optometrist noted, ''I see no reason that Mr. Torres' vision should limit his safety while operating a commercial vehicle.'' Mr. Torres-Perales reported that he has driven straight trucks for 12 years, accumulating 288,000 miles. He holds an operator's license from Kansas. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he exceeded the speed limit by 15 mph.

Adam J. Zappetta

Mr. Zappetta, 33, has had coloboma in his left eye since 2010. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2013, his optometrist noted, ''All current testing confirms he can meet the visual demands required by the department of transportation to operate a commercial vehicle. It is my opinion that Mr. Zappetta should wear corrective lenses while driving commercial vehicles.''

Mr. Zappetta reported that he has driven buses for 9 years, accumulating 27,000 miles. He holds an operator's license from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business August 12, 2013. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2013–0030 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2013–0030 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued On: July 8, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–16680 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0355; FMCSA–2011–0389, FMCSA–2012–0050, FMCSA–2012–0094, FMCSA 2012–0294]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant requests from 24 individuals for exemptions from the regulatory requirement that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The regulation and the associated advisory criteria published in the Code of Federal Regulations as the ''Instructions for Performing and Recording Physical Examinations'' have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. The Agency concluded that granting exemptions for these CMV drivers will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions. FMCSA grants exemptions that will allow these 24 individuals to operate CMVs in interstate commerce for a 2-year period. The exemptions preempt State laws and regulations and may be renewed.

DATES: The exemptions are effective July 12, 2013. The exemptions expire on July 13, 2015.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Division Chief, Physical Qualifications, Office of Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

A. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** (73 FR 3316, January 17, 2008). This statement is also available at *http://Docketinfo.dot.gov.*

B. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the safety regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period.

FMCSA grants 24 individuals an exemption from the regulatory requirement in § 391.41(b)(8) allowing individuals who take anti-seizure medication to operate CMVs in interstate commerce for a 2-year period. The Agency's decision on these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s); the length of time elapsed since the individual's last seizure; and each individual's treatment regimen. In addition, the Agency reviewed the applicant's driving record found in the CDLIS,[1] for CDL holders, and interstate and intrastate inspections recorded in MCMIS.[2] The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers covered by the exemptions have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

In reaching the decision to grant these exemption requests, the Agency considered both current medical literature and information and the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The Agency previously gathered evidence for potential changes to the regulation by conducting a comprehensive review of scientific literature that was compiled into the ''*Evidence Report on Seizure Disorders and Commercial Vehicle Driving*'' (*Evidence Report*) [CD–ROM HD TL230.3 .E95 2007]. The Agency then convened a panel of medical experts in the field of neurology (MEP) on May 14–15, 2007, to review 49 CFR 391.41(b)(8) and the advisory criteria regarding individuals who have experienced a seizure, and the 2007 *Evidence Report.* The *Evidence Report* and the MEP recommendations are published on-line at *http://www.fmcsa.dot.gov/rules-regulations/topics/mep/mep-reports.htm,* under Seizure Disorders, and are in the docket for this notice.

MEP Criteria for Evaluation

On October 15, 2007, the MEP issued the following recommended criteria for evaluating whether an individual with epilepsy or a seizure disorder should be allowed to operate a CMV.[3] The MEP recommendations are included in an appendix at the end of this notice and in each of the previously published dockets.

[1] *Commercial Driver License Information System* (CDLIS) is an information system that allows the exchange of commercial driver licensing information among all the States. CDLIS includes the databases of fifty-one licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

[2] *Motor Carrier Management Information System* (MCMIS) is an information system that captures data from field offices through SAFETYNET, CAPRI, and other sources. It is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data.

[3] Engel, J., Fisher, R.S., Krauss, G.L., Krumholz, A., and Quigg, M.S., ''Expert Panel Recommendations: Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' FMCSA, October 15, 2007.

Epilepsy diagnosis. If there is an epilepsy diagnosis, the applicant should be seizure-free for 8 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with an epilepsy diagnosis should be performed every year.

Single unprovoked seizure. If there is a single unprovoked seizure (i.e., there is no known trigger for the seizure), the individual should be seizure-free for 4 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with a single unprovoked seizure should be performed every 2 years.

Single provoked seizure. If there is a *single provoked seizure* (i.e., there is a known reason for the seizure), the Agency should consider specific criteria that fall into the following two categories: Low-risk factors for recurrence and moderate-to-high risk factors for recurrence.

• *Examples of low-risk factors for recurrence* include seizures that were caused by a medication; by non-penetrating head injury with loss of consciousness less than or equal to 30 minutes; by a brief loss of consciousness not likely to recur while driving; by metabolic derangement not likely to recur; and by alcohol or illicit drug withdrawal.

• *Examples of moderate-to-high-risk factors for recurrence* include seizures caused by non-penetrating head injury with loss of consciousness or amnesia greater than 30 minutes, or penetrating head injury; intracerebral hemorrhage associated with a stroke or trauma; infections; intracranial hemorrhage; post-operative complications from brain surgery with significant brain hemorrhage; brain tumor; or stroke.

The MEP report indicates individuals with moderate to high-risk conditions should not be certified. Drivers with a history of a single provoked seizure with low risk factors for recurrence should be recertified every year.

Medical Review Board Recommendations and Agency Decision

FMCSA presented the MEP's findings and the *Evidence Report* to the Medical Review Board (MRB) for consideration. The MRB reviewed and considered the 2007 ''Seizure Disorders and Commercial Driver Safety'' evidence report and the 2007 MEP recommendations. The MRB recommended maintaining the current advisory criteria, which provide that ''drivers with a history of epilepsy/seizures off anti-seizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5 year period or more'' [Advisory criteria to 49 CFR 391.43(f)].

The Agency acknowledges the MRB's position on the issue but believes relevant current medical evidence supports a less conservative approach. The medical advisory criteria for epilepsy and other seizure or loss of consciousness episodes was based on the 1988 ''Conference on Neurological Disorders and Commercial Drivers'' (NITS Accession No. PB89–158950/AS). A copy of the report can be found in the docket referenced in this notice.

The MRB's recommendation treats all drivers who have experienced a seizure the same, regardless of individual medical conditions and circumstances. In addition, the recommendation to continue prohibiting drivers who are taking anti-seizure medication from operating a CMV in interstate commerce does not consider a driver's actual seizure history and time since the last seizure. The Agency has decided to use the 2007 MEP recommendations as the basis for evaluating applications for an exemption from the seizure regulation on an individual, case-by-case basis.

C. Exemptions

Following individualized assessments of the exemption applications, including a review of detailed follow-up information requested from each applicant, FMCSA is granting exemptions from 49 CFR 391.41(b)(8) to 24 individuals. Under current FMCSA regulations, all of the 24 drivers receiving exemptions from 49 CFR 391.41(b)(8) would have been considered physically qualified to drive a CMV in interstate commerce except that they presently take or have recently stopped taking anti-seizure medication. All but one of the 24 drivers receiving an exemption currently take anti-seizure medication. For these 24 drivers, the primary obstacle to medical qualification was the FMCSA Advisory Criteria for Medical Examiners, based on the 1988 ''Conference on Neurological Disorders and Commercial Drivers,'' stating that a driver should be off anti-seizure medication in order to drive in interstate commerce. In fact, the Advisory Criterion has little if anything to do with the actual risk of a seizure and more to do with assumptions about individuals who are taking anti-seizure medication.

In addition to evaluating the medical status of each applicant, FMCSA evaluated the crash and violation data for the 24 drivers, some of whom currently drive a CMV in intrastate commerce. The Commercial Driver's License Information System (CDLIS) and the FMCSA Motor Carrier Management Information System (MCMIS) were searched for crash and violation data on the 24 applicants. The crash and violation history on each individual driver is listed in his or her biographical profile.

These exemptions are contingent on the driver maintaining a stable treatment regimen and remaining seizure-free during the 2-year exemption period. The exempted drivers must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free. The driver must undergo an annual medical examination by a medical examiner, as defined by 49 CFR 390.5, following the FCMSA's regulations for the physical qualifications for CMV drivers.

FMCSA published a notice of receipt of application and requested public comment during a 30 day public comment period in a **Federal Register** notice for each of the applicants. A short summary of the applicants' qualifications follows. A discussion of the comments received follows in section D. Comments. For those applicants who were denied an exemption, a notice will be published at a later date.

Docket #FMCSA–2008–0355

On December 10, 2008, FMCSA published a notice of receipt of exemption applications and requested public comment on 15 individuals (Docket number FMCSA–2008–0355). The comment period ended on January 10, 2009. Seven commenters responded to the **Federal Register** notice. A discussion of the comments is presented later in this document. FMCSA has determined that one of these applicants should be granted an exemption. The Agency will issue a decision on the other drivers at a later date.

Prince Austin Jr. Mr. Austin is a 55-year-old intrastate driver in Ohio. Mr. Austin should be granted an exemption because he meets the MEP criteria of being seizure-free 8 years in May 2013. He was diagnosed with epilepsy in 1974. He has remained on anti-seizure medication with the dose and frequency

remaining the same for the last eight years. His personal physician states that he and Mr. Austin's treating neurologist are supportive of the exemption. Mr. Austin has no recent entries in CDLIS or MCMIS.

Docket #FMCSA–2011–0389

On April 5, 2011, FMCSA published a notice of receipt of exemption applications and requested public comment on 8 individuals (Docket number FMCSA–2011–0094). The comment period ended on May 5, 2011. Seven commenters responded to the **Federal Register** notice. A discussion of the comments is presented later in this document. FMCSA has determined that one of these applicants should be granted an exemption. The Agency will issue a decision on the other drivers at a later date.

Frank Cekovic. Mr. Cekovic is 45-year-old intrastate CMV driver in the state of Pennsylvania. Mr. Cekovic should be granted an exemption because he meets the MEP criteria of having no diagnosis of epilepsy and being seizure-free four years as of April 2013. He was diagnosed with a seizure disorder in January 2009 and placed on the anti-seizure medication Keppra at that time. His treating physician states that he is compliant with his medication regimen and that his risk of a recurrent seizure is very low. The CMV that he operates is a ''bucket truck'' for a power and light company, and Mr. Cekovic states that the maximum distance he drives between job sites is no more than 20 miles per day. He has 2 minor speeding entries on CDLIS, one each in 2009 and 2010, and no entries in MCMIS.

Docket #FMCSA–2011–0389

On January 5, 2012, FMCSA published a notice of receipt of exemption applications and requested public comment on 15 individuals (Docket number FMCSA–2011–0389). The comment period ended on February 5, 2012. Seven commenters responded to the **Federal Register** notice. A discussion of the comments is presented later in this document. FMCSA has determined that four of the applicants should be granted an exemption. The Agency will issue a decision on the other drivers at a later date.

Joseph D'Angelo. Mr. D'Angelo is a 56-year-old CMV driver in New York. Mr. D'Angelo should be granted an exemption because he meets the MEP criteria by having no seizures for the last 43 years, and being on a stable medication regimen for over 10 years. He experienced a single seizure at age 14 in 1970. Mr. D'Angelo believes that he would achieve a level of safety that is equivalent to the level of safety obtained by complying with the regulation because he has remained seizure-free for 43 years. He has no entries in CDLIS or MCMIS.

Ricki Gutermann. Mr. Gutermann is a 46-year-old intrastate CMV driver in Wisconsin. Mr. Gutermann should be granted an exemption because he meets the MEP criteria by having no seizures for the last 15 years, and being on a stable medication regimen for 15 years. He previously held a CDL and drove a truck for Mobil Oil. He was involved in a non-job related motor vehicle accident and sustained a traumatic head injury. He was prescribed anti-seizure medication and had two seizures in 1998 while physicians were adjusting his medication. His last seizure was July 1998. His physician states he is taking the same medication, with dose and frequency remaining the same for 15 years and states he beleves it is appropriate to allow Mr. Gutermann to be recertified to drive commercial vehicles. Mr. Gutermann has no entries in CDLIS or MCMIS.

David Kietzman. Mr. Kietzman is a 50-year-old intrastate CMV driver in Wisconsin. Mr. Kietzman should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, having been seizure-free for over four years and on a stable medication regimen for over four years. In December 2007 he underwent surgery for a right parietal vascular formation. His physician states this brain abnormality was the cause of his seizures. He has remained on the same anti-seizure medication since December 2007, with the dose and frequency remaining the same since October 2008. His last seizure was October 2008. His physician states he is neurologically normal. His current employer states he has been an intrastate semi-tractor trailer driver for them since 1991 and has proven to be a safe, competent and conscientious driver. Mr. Kietzman has no entries in CDLIS or MCMIS.

Joseph Kogut. Mr. Kogut is a 54-year-old intrastate CMV driver in North Carolina. Mr. Kogut should be granted an exemption because he meets the MEP criteria by having no seizures for the last 30 years and being on a stable medication regimen for 30 years. In 1982 he was involved in a motor vehicle accident and sustained a head injury. Following the accident, he had a single seizure. He has been seizure-free for over 30 years. He takes the same anti-seizure medication with the dose and frequency remaining the same for 30 years. His physician states he believes Mr. Kogut should be allowed to drive CMV's. Mr. Kogut has one entry from CDLIS for failure to obey a traffic signal in 1999.

Docket #FMCSA–2012–0050.

On February 29, 2012, FMCSA published a notice of receipt of exemption applications and requested public comments on five individuals (Docket number FMCSA–2012–0050). The comment period ended on March 30, 2012. No comments were received. Of the five applicants, FMCSA determined that the following three individuals should be granted an exemption. The Agency will issue a decision on the other drivers at a later date.

Todd Brock. Mr. Brock is a 54-year-old driver in Colorado. Mr. Brock should be granted an exemption because he meets the MEP criteria by having no seizures for the last 10 years, and being on a stable medication regimen, with dose and frequency remaining the same for 4 years. He previously drove delivery trucks. He was diagnosed with a seizure disorder in 2003. He takes the same anti-seizure medication with dose and frequency remaining the same for 4 years. He will return to driving package trucks in interstate commerce. Mr. Brock has no entries in CDLIS or MCMIS.

Diana Mugford. Ms. Mugford is a 44-year-old intrastate CMV driver in Vermont. Ms. Mugford should be granted an exemption because she meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 8 years, and being on a stable medication regimen for longer than 2 years. She was diagnosed with complex partial seizures and takes anti-seizure medication. She has remained seizure-free for 9 years, having her last seizure in 2004. She takes the same anti-seizure medication with the dose and frequency remaining the same for 9 years. Her physician endorses her receiving the exemption. She has two CDLIS entries, one for a CMV accident with property damage in 2011 and a speeding violation in 2004. Ms. Mugford has no entries in MCMIS.

James Wiggins. Mr. Wiggins is a 57-year-old intrastate CMV driver in Florida. Mr. Wiggins should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He had a single seizure in March 2008 and was diagnosed with a brain tumor. He had the brain tumor removed in April 2008 and has remained seizure-free for over 4 years. He takes anti-seizure medication with the dose and frequency remaining the same for 4 years. Mr.

Wiggins has no entries in CDLIS or MCMIS.

Docket # FMCSA–2012–0094

On January 15, 2013, FMCSA published a notice of receipt of exemption applications and requested public comment on 14 individuals (Docket number FMCSA–2012–0094). The comment period ended on February 15, 2013. FMCSA received 16 comments. A discussion of the comments is presented later in this document. Of the 14 applicants, FMCSA determined that the following seven individuals should be granted an exemption. The Agency will issue a decision on the other drivers at a later date.

Salvatore Gerard Adamita. Mr. Adamita is a 46-year-old intrastate CMV driver in Florida. Mr. Adamita should be granted an exemption because he meets the MEP criteria by having a diagnosis of epilepsy, no seizures for the last 8 years, and being on a stable medication regimen for longer than 2 years. He has a history of epilepsy and has had two seizures in his lifetime; the last seizure was in 1992. He has remained seizure free for 20 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 20 years. He would like to drive straight trucks or single tractor trailer trucks. His physician states he is supportive of Mr. Adamita receiving an exemption and Mr. Adamita states he feels he would operate a vehicle at the same safety level as someone who did not require an exemption. Mr. Adamita has no entries in CDLIS or MCMIS.

John W. Boerth. Mr. Boerth is a 61-year-old intrastate CMV driver in Wisconsin. Mr. Boerth should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He had brain surgery in 2002 and has since had 2 seizures, one in 2002 and the last seizure was June 2003. He takes anti-seizure medication with the dosage and frequency remaining the same for over 10 years. He would like to drive vehicles from one-half ton vans to 18,000 pound straight trucks in interstate commerce. Mr. Boerth has no entries in CDLIS or MCMIS.

Michael C. Breitbach. Mr. Breitbach is a 57-year-old intrastate CMV driver in Iowa. Mr. Breitbach should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He has a history of two nocturnal seizures in his lifetime; the last seizure was in 2002. He has remained seizure free for 11 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 5 years. He would like to drive tractor trailer trucks. His physician states he is supportive of Mr. Breitbach receiving an exemption. Mr. Breitbach has one CDLIS entry with a non-injury crash in 2011 and no entries in MCMIS.

Timothy Grant Edwards. Mr. Edwards is a 25-year-old intrastate CMV driver in Tennessee. Mr. Edwards should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He has a diagnosis of complex partial seizures. His last seizure was in 1992. He has remained seizure free for 20 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 10 years. He would like to drive a service truck for his employer that weighs more than 10,000 pounds, but less than 26,000 pounds, in interstate commerce. Mr. Edwards has no entries in CDLIS or MCMIS.

James Gorniak. Mr. Gorniak is a 49-year-old intrastate CMV driver in Wisconsin. Mr. Gorniak should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and has been off of anti-seizure medication for over 5 years. Mr. Gorniak had a single seizure in January 2007. It was discovered he had a brain tumor which was then removed. He was given anti-seizure medication for a short time after the surgery, but has been off the medication for 6 years and has remained seizure free since 2007. His physician states he is supportive of him receiving the exemption. He would like to return to driving tractor trailers in interstate commerce. Mr. Gorniak has no entries in CDLIS or MCMIS.

Brian Hanson. Mr. Hanson is a 54-year-old intrastate driver in Oregon. Mr. Hanson should be granted an exemption because he meets the MEP criteria by having a diagnosis of epilepsy, no seizures for the last 8 years, and being on a stable medication regimen for longer than 2 years. Mr. Hanson has a diagnosis of epilepsy and his last seizure was in April 2004. He has been off of anti-seizure medication for 7 years. He has remained seizure free for 9 years. He would like to attend truck driving school and drive tractor trailers with his wife, as she is a long-haul driver. His physician found him fit has no concerns regarding his driving a CMV. Mr. Hanson has no entries in CDLIS or MCMIS.

Robert J. Mooney. Mr. Mooney is a 51-year-old intrastate CMV driver in Ohio. Mr. Mooney should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He has a diagnosis of seizure disorder and his last seizure was in 1981. He has remained seizure free for over 30 years. He takes anti-seizure medication with the dosage and frequency remaining the same for over 20 years. He would like to drive 18-passenger buses in interstate commerce. He has entries in CDLIS for 2009 and 2010 for non-injury (property damage) motor vehicle crashes and a 2009 improper turn violation. Mr. Mooney has no entries in MCMIS.

Docket # FMCSA–2012–0294

On January 15, 2013, FMCSA published a notice of receipt of exemption applications and requested comments from the public on nine individuals (Docket number FMCSA–2012–0294). The comment period ended on February 15, 2013. FMCSA received eight comments, including three duplicate comments. A discussion of the comments is presented later in this document. Of the nine applicants, FMCSA determined that the following seven individuals should be granted an exemption. The Agency will issue a decision on the other drivers at a later date.

Patrick Andreasen. Mr. Andreasen is a 55-year-old Class C driver in Pennsylvania. Mr. Andreasen should be granted an exemption because he meets the MEP criteria by having a diagnosis of epilepsy, no seizures for the last 8 years, and being on a stable medication regimen for longer than 2 years. He has a diagnosis of epilepsy and his last seizure was in 1982. He has remained seizure free for 30 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 20 years. He would like to drive a 15-passenger bus. His physician states he is strongly supportive of Mr. Andreasen receiving an exemption and Mr. Andreasen states he feels he would operate a vehicle at the same safety level as someone who did not require an exemption. Mr. Andreasen has no entries in CDLIS or MCMIS.

Samuel D. Beverly Jr. Mr. Beverly is a 47-year-old driver in Virginia. Mr. Beverly should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He has a history of seizures and his last seizure was in

1995. He takes anti-seizure medication with the dosage and frequency remaining the same for over 17 years. He would like to drive a dump truck. Mr. Beverly's physician states he is highly supportive of Mr. Beverly receiving an exemption. Mr. Beverly has one entry in CDLIS for speeding in 2010 and no entries in MCMIS.

Craig Bugella. Mr. Bugella is a 46-year-old intrastate CMV driver in Wisconsin. Mr. Bugella should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He has a history of complex partial and generalized seizures. He has remained seizure free for 11 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 11 years. He would like to drive bucket trucks and Derrick diggers. His physician states he is extremely confident Mr. Bugella can operate CMVs in interstate commerce. Mr. Bugella has no entries in CDLIS or MCMIS.

Eric Hilmer. Mr. Hilmer is a 37-year-old driver in Wisconsin. Mr. Hilmer should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He has a history of generalized seizure disorder as a child. His last seizure in October 2007, following a closed head injury and at that time, he was not taking anti-seizure medication prior to that event, his last seizure had been at age 17. He takes anti-seizure medication with the dosage and frequency remaining the same for 6 years. He would like to drive CMVs. His physician is supportive of Mr. Hilmer being granted an exemption. Mr. Hilmer has no entries in CDLIS or MCMIS.

Tye Dale Moore. Mr. Moore is a 47-year-old driver in Indiana. Mr. Moore should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He has a diagnosis of seizure disorder and has remained seizure free for more than 28 years; his last seizure was May 1984. He takes anti-seizure medication with the dosage and frequency remaining the same for 18 years. He would like to drive tractor trailers in interstate commerce. His physician states he is supportive of Mr. Moore receiving an exemption. Mr. Moore has no entries in CDLIS or MCMIS.

Robert Spencer. Mr. Spencer is a 30-year-old driver in Florida. Mr. Spencer should be granted an exemption because he meets the MEP criteria by having no diagnosis of epilepsy and being on a stable medication regimen for longer than 2 years. He will be seizure-free for 4 years in April 2013. He has a diagnosis of seizure disorder and his last seizure was in April 2009. He takes anti-seizure medication with the dosage and frequency remaining the same for 4 years. He would like to drive a delivery van under 26,000 pounds. His physician is supportive of Mr. Spencer being granted an exemption. Mr. Spencer has no entries in CDLIS or MCMIS.

Brian J. Wiggins. Mr. Wiggins is a 52-year-old driver in Idaho. Mr. Wiggins should be granted an exemption because he meets the MEP criteria by not having a diagnosis of epilepsy, no seizures for the last 4 years, and being on a stable medication regimen for longer than 2 years. He has a diagnosis of seizure disorder and his last seizure was in 1996. This seizure was the result of his physician taking him off of his anti-seizure medication. He has remained seizure free for 16 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 16 years. He is a diesel mechanic and will be driving Class 6, 7, and 8 trucks for diagnosis and repair purposes. His physician is supportive of Mr. Wiggins being granted an exemption. Mr. Wiggins has no entries in CDLIS or MCMIS.

Timothy M. Zahratka. Mr. Zahratka is a 38-year-old driver in Minnesota. He suffered a penetrating head injury in 1993 and developed a seizure disorder following the injury. He was taking anti-seizure medications with good control until his treating physician changed his medication to a generic in 2008. His last seizure was in August 2008 and his medication was changed. He has remained seizure-free for over 4 years. He takes anti-seizure medication with the dosage and frequency remaining the same for over 4 years. He would like to drive a single axle dump truck. His physician states he is supportive of Mr. Zarhatka being granted an exemption. Mr. Zahratka has no entries in CDLIS or MCMIS.

D. Comments

In response to the five notices, FMCSA received 35 comments, including several duplicate comments. Comments that relate specifically to applicants other than the ones covered in this notice will be addressed in a subsequent notice of denial of application.

Medical Expert Panel's Criteria is Too Liberal

Natalie Hartenbaum, MD, states that she believes the MEP's criteria for granting exemptions from the epilepsy standard is too liberal and that not all of the applicants in the notice would meet those criteria. She further states that the MEP's criteria is based on faulty assumptions and an inadequate understanding of the commercial driver medical certification process. She notes that the MEP addressing the seizure topic lacked an Occupational Physician. It is her expressed belief that the Panel's assessment did not take into consideration the commercial drivers who have long periods of time behind the wheel and that some anti-seizure medications have a high risk of cognitive impairment with prolonged use. Dr. Hartenbaum notes that the treating physician is most often not the provider conducting the medical certification exam and is not legally obligated in more than 7 states to report a driver they feel would be a safety risk. She urges FMCSA to again review current literature and ensure it is reassessed, addressing the Medical Review Board's comments.

FMCSA Response: FMCSA acknowledges Dr. Hartenbaum's concerns. Dr. Hartenbaum is correct in stating that not all of the applicants in the notice will meet the criteria. FMCSA is required to publish all applicants in the **Federal Register** for 30-day public comment, regardless of whether they meet the criteria. Each applicant is considered on a case-by-case basis. The Agency believes that evaluating each individual's medical history on a case-by-case basis and investigating the past driving/violation record ensures an acceptable level of safety for a driver who has not experienced a seizure for an extended period of time. FMCSA will only consider granting an exemption to those applicants who meet the criteria indicated above in this notice on a case-by-case basis.

The Agency conducted a comprehensive literature review and convened a panel of medical experts in epilepsy and neurology to address key questions and make recommendations concerning new guidelines for CMV drivers. FMCSA is conducting individualized case assessments of persons seeking an exemption from § 391.41(b)(8). The Agency seeks to assess safety risks, medical history, and compliance to determine whether there is likelihood the individual will experience a seizure while operating a CMV in interstate commerce on or off medication. The goal is to ensure a

minimal safety risk to the driver and the traveling public.

Concerns From the Previous Medical Review Board Members

The comments are authored by five previous MRB members who constituted the MRB at the time the subject of seizures was addressed by FMCSA. The group notes several concerns. They state that the Seizure Evidence Report did not include a summary of the basic incidence and prevalence rates of seizures and epilepsy and failed to include what they felt were relevant studies. They also state that the report used graphs that omitted available data points to extrapolate risks over time. These former MRB members note that while they felt most of the evidence reports they examined during their tenure were excellent, the report on seizures had notable weaknesses.

In further comment, the group notes that they had previously requested that FMCSA include an occupational physician and/or physicians with occupational medicine expertise. They note that the seizure MEP did not have an expert in occupational medicine, relied almost exclusively on the Evidence Report and included two members they felt held bias in favor of loosening the limitations on those with seizures. They alleged several errors in the Evidence Report.

The former MRB members recommend, after reviewing the Evidence Report and hearing the MEP's recommendations, maintaining the previous criteria. The group states that FMCSA has represented that the MRB recommended treating all drivers the same, and they strongly state that this is not what the MRB concluded. They conclude their comments with recognizing the work of the MEP, but note the extrapolation of risk after a seizure to zero was scientifically unsound. The MRB calculated that the 2% risk, recommended by the MEP, translated to a 40-fold increased risk of crash, which was not tolerable.

FMCSA Response: The Agency acknowledges the five former MRB members' comments. The MRB members advocated the continued use of the Agency's advisory criteria recommending the 10-year seizure-free/off medication period for driving a CMV which were established by a panel of neurologists in 1988. In 2007, the MEP updated the information regarding treatment of seizure disorders and the likelihood of seizure recurrence for a variety of seizure disorders and situations. FMCSA believes that this current research and information supersede the information presented by the panel of neurologists in the 1988 ''Conference on Neurological Disorders and Commercial Drivers.''

Also, the drivers covered by the exemptions have been free of seizures for a period of 4 to more than 20 years. The Agency believes that a driver who has not experienced a seizure for such extended periods should not be precluded from driving a CMV in interstate commerce solely because he remains on anti-seizure medication. Generally, the Agency does not preclude drivers with medical conditions other than seizure disorders from operating a CMV in interstate commerce solely because they are taking medication. In addition, all drivers must be stable on the medication for 2 years, which is a long enough period of time for the driver and his treating physician to note any adverse reactions to the medication such as excessive drowsiness. As mentioned in the background section, only those drivers meeting the MEP criteria are being granted an exemption.

In response to the former MRB members' comment regarding medical evidence, FMCSA reviews each individual applicant, assesses the driving record and the individual's medical condition, and determines on a case-by-case basis the driver's risk to public safety. FMCSA is not granting drivers with recent seizure events an exemption based on the MEP recommendations. The Agency has made the decision to use the more current 2007 MEP recommendations to grant exemptions on a case-by-case basis rather than to judge all drivers by the criteria established in the 1988 ''Conference on Neurological Disorders and Commercial Drivers'' report. The Agency evaluated each individual's medical condition, comparing it to the 2007 MEP. In addition, to ensure the safest roads possible, the Agency researched each individual's driving record. Further, we believe that each driver has shown evidence of compliance with his or her treatment regimen. Thus, we believe that the individuals listed above have a level of safety equivalent to those drivers who do not suffer from a seizure disorder. FMCSA's MRB is a Federal Advisory Committee, whose role is to provide scientific and medical advice to FMCSA on ongoing medical issues, including the identification of appropriate physical qualifications of CMV drivers, medical standards, and educational curriculum for training medical examiners who certify that drivers meet the physical qualification standards and functional tests for drivers with disabilities. The MRB reviews all current FMCSA medical standards and makes recommendations to FMCSA for new science-based standards and guidelines to ensure that drivers operating CMVs in interstate commerce, as defined in 49 CFR 390.5, are physically capable. Thus, the MRB makes recommendations, but the Agency is the deciding body, determining what advice and which of the MRB's recommendations to adopt. 49 U.S.C. 31149(a)(1) and (c)(1). The Agency does not believe it was the Congress's intent that the MRB serve as a medical certification review board for each individual seeking an exemption.

No Exemptions for Seizures

The American College for Occupational and Environmental Medicine (ACOEM) commented that it has special interest sections of physicians working in the transportation industry and familiar with the job requirements of commercial drivers. These comments are from its perspective. ACOEM expresses concern that if a driver were to have a seizure while operating a CMV, fatalities and injuries would likely result. ACOEM states further that the anti-seizure medications can have worrisome side effects and that other departments of transportation continue to disqualify drivers with a history of seizures.

The ACOEM physicians state that, in their opinion, the MEP recommendations are too liberal, that the recommendations were made without considering fully all the available literature, and that the MEP failed to incorporate the risk of medications. They note that seizures may occur after years of seizure-free periods and there are no tests to guarantee that an individual will not have a seizure in the future. They oppose granting any exemption for seizures or epilepsy.

FMCSA Response: FMCSA acknowledges the concerns of the ACOEM. FMCSA believes, however, that the current research and information supersede the information presented by the panel of neurologists in the 1988 ''Conference on Neurological Disorders and Commercial Drivers.'' The Agency believes that a driver who has not experienced a seizure in years should not be precluded from driving a CMV in interstate commerce solely because he remains on anti-seizure medication. FMCSA does not preclude drivers with medical conditions other than seizure disorders from operating a CMV in interstate commerce solely because they are taking medication. The findings of the 2007 comprehensive literature review and the

MEP recommendations provide current information that the Agency considered in making the determination that an exemption would likely achieve a level of safety that is equivalent to or greater than the level achieved without the exemption.

Public Support for Applicants and the Exemptions

Duane Napper comments (FMCSA–2011–0389) that he has known David Kietzman for more than 20 years, that Mr. Kietzman takes his job very seriously and that he is careful at all times. He also states he believes Mr. Kietzman should be allowed to drive trucks. Ms. Tana Shallenbanger (FMCSA–2011–0389) comments that Mr. Kietzman is motivated, hauls for their company and that his ''safety practices are stellar.'' Bart James Gardner and Duane Jon Hegland (FMCSA–2012–0094) both commented that they have worked with James Gorniak for over 15 years and see no reason he should not be able to drive a CMV. David J. Sander (FMCSA–2012–0094) also commented that he has worked with James Gorniak for over 20 years and he was an excellent driver and worker. Anonymous (FMCSA–2012–0094) stated that he is a close friend of James Gorniak and gives an account of Mr. Gorniak's hospital visit. He states he is supportive of Mr. Gorniak receiving the exemption. Dr. Stephen Tenniswood, DC (FMCSA–2012–0094) states that Mr. Gorniak has been his patient for 15 years and he can accurately attest to his functionality. He states he sees no reason not to allow him to drive a CMV again.

Shannon Hilmer (FMCSA–2012–0294) comments that she believes that ''as long as their seizures are under control, they should be able to live out their dream.'' Sharon Bugella (FMCSA–2012–0294) says of her husband Craig Bugella, that he has been a lineman for 20 years. She states that he has not had a seizure in over 11 years and that by receiving the exemption he will be able to receive full lineman wages and benefits.

E. Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, the Agency's analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

Conclusion

The Agency is granting exemptions from the epilepsy standard, 49 CFR 391.41(b)(8), to 24 individuals based on a thorough evaluation of each driver's qualifications, safety experience, and medical condition. Safety analysis of information relating to these 24 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. By granting the exemptions, the interstate CMV industry will gain 24 highly trained and experienced drivers. In accordance with 49 U.S.C. 31315, each exemption will be valid for 2 years with annual recertification required unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

FMCSA exempts the following 24 drivers for a period of 2 years with annual medical certification required: Prince Austin Jr. (OH); Frank Cekovic (PA); Joseph D'Angelo (NY); Ricki Gutermann (WI); David R. Kietzman (WI); Joseph Kogut (NC); Todd Brock (CO); Diana Mugford (VT); James Wiggins (FL); Salvatore Gerard Adamita (FL); John Boerth (WI); Michael Breitbach (IA); Timothy Grant Edwards (TN); James Gorniak (WI); Brian Hanson (OR); Robert J. Mooney (OH); Patrick Andreasen (PA); Samuel D. Beverly (VA); Craig Bugella (WI); Eric Hilmer (WI); Tye Dale Moore (IN); Robert Spencer (FL); Brian J. Wiggins, (IN), and Timothy M. Zahratka (MN) from the prohibition of CMV operations by persons with a clinical diagnosis of epilepsy or seizures. If the exemption is still in effect at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July 2, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–16686 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0106]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant requests from nine individuals for exemptions from the regulatory requirement that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The regulation and the associated advisory criteria published in the Code of Federal Regulations as the ''Instructions for Performing and Recording Physical Examinations'' have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. The Agency concluded that granting exemptions for these CMV drivers will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions. FMCSA grants exemptions that will allow these nine individuals to operate CMVs in interstate commerce for a 2-year period. The exemptions preempt State laws and regulations and may be renewed.

DATES: The exemptions are effective July 12, 2013. The exemptions expire on July 13, 2015.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Division Chief, Physical Qualifications, Office of Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

A. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** (73 FR 3316, January 17, 2008). This statement is also available at *http://Docketinfo.dot.gov.*

B. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the safety regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period.

FMCSA grants nine individuals an exemption from the regulatory requirement in § 391.41(b)(8), to allow these individuals who take anti-seizure medication to operate CMVs in interstate commerce for a 2-year period. The Agency's decision on these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s), the length of time elapsed since the individual's last seizure, and each individual's treatment regimen. In addition, the Agency reviewed each applicant's driving record found in the CDLIS,[1] for CDL holders, and interstate and intrastate inspections recorded in MCMIS.[2] The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers covered by the exemptions granted here have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

In reaching the decision to grant these exemption requests, the Agency considered both current medical literature and information and the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The Agency previously gathered evidence for potential changes to the regulation at 49 CFR 391.41(b)(8) by conducting a comprehensive review of scientific literature that was compiled into the ''*Evidence Report on Seizure Disorders and Commercial Vehicle Driving*'' (*Evidence Report*) [CD–ROM HD TL230.3 .E95 2007]. The Agency then convened a panel of medical experts in the field of neurology (the MEP) on May 14–15, 2007, to review 49 CFR 391.41(b)(8) and the advisory criteria regarding individuals who have experienced a seizure, and the 2007 *Evidence Report.* The *Evidence Report* and the MEP recommendations are published on-line at *http://www.fmcsa.dot.gov/rules-regulations/topics/mep/mep-reports.htm,* under Seizure Disorders, and are in the docket for this notice.

MEP Criteria for Evaluation

On October 15, 2007, the MEP issued the following recommended criteria for evaluating whether an individual with epilepsy or a seizure disorder should be allowed to operate a CMV.[3] The MEP recommendations are included in previously published dockets.

Epilepsy diagnosis. If there is an epilepsy diagnosis, the applicant should be seizure-free for 8 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with an epilepsy diagnosis should be performed every year.

Single unprovoked seizure. If there is a single unprovoked seizure (i.e., there is no known trigger for the seizure), the individual should be seizure-free for 4 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with a single unprovoked seizure should be performed every 2 years.

Single provoked seizure. If there is a single provoked seizure (i.e., there is a known reason for the seizure), the Agency should consider specific criteria that fall into the following two categories: Low-risk factors for recurrence and moderate-to-high risk factors for recurrence.

- *Examples of low-risk factors for recurrence* include seizures that were caused by a medication; by non-penetrating head injury with loss of consciousness less than or equal to 30 minutes; by a brief loss of consciousness not likely to recur while driving; by metabolic derangement not likely to recur; and by alcohol or illicit drug withdrawal.
- *Examples of moderate-to-high-risk factors for recurrence* include seizures caused by non-penetrating head injury with loss of consciousness or amnesia greater than 30 minutes, or penetrating head injury; intracerebral hemorrhage associated with a stroke or trauma; infections; intracranial hemorrhage; post-operative complications from brain surgery with significant brain hemorrhage; brain tumor; or stroke.

The MEP report indicates individuals with moderate to high-risk conditions should not be certified. Drivers with a history of a single provoked seizure with low risk factors for recurrence should be recertified every year.

Medical Review Board Recommendations and Agency Decision

FMCSA presented the MEP's findings and the *Evidence Report* to the Medical Review Board (MRB) for consideration. The MRB reviewed and considered the 2007 ''Seizure Disorders and Commercial Driver Safety'' evidence report and the 2007 MEP recommendations. The MRB recommended maintaining the current advisory criteria, which provide that ''drivers with a history of epilepsy/seizures off anti-seizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5 year period or more'' [Advisory criteria to 49 CFR 391.43(f)].

The Agency acknowledges the MRB's position on the issue but believes relevant current medical evidence supports a less conservative approach. The medical advisory criteria for epilepsy and other seizure or loss of consciousness episodes was based on

[1] *Commercial Driver License Information System* (CDLIS) is an information system that allows the exchange of commercial driver licensing information among all the States. CDLIS includes the databases of fifty-one licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

[2] *Motor Carrier Management Information System* (MCMIS) is an information system that captures data from field offices through SAFETYNET, CAPRI, and other sources. It is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data.

[3] Engel, J., Fisher, R.S., Krauss, G.L., Krumholz, A., and Quigg, M.S., ''Expert Panel Recommendations: Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' FMCSA, October 15, 2007.

the 1988 ''Conference on Neurological Disorders and Commercial Drivers'' (NITS Accession No. PB89–158950/AS). A copy of the report can be found in the docket referenced in this notice.

The MRB's recommendation treats all drivers who have experienced a seizure the same, regardless of individual medical conditions and circumstances. In addition, the recommendation to continue prohibiting drivers who are taking anti-seizure medication from operating a CMV in interstate commerce does not consider a driver's actual seizure history and time since the last seizure. The Agency has decided to use the 2007 MEP recommendations as the basis for evaluating applications for an exemption from the seizure regulation on an individual, case-by-case basis.

C. Exemptions

Following individualized assessments of the exemption applications, including a review of detailed follow-up information requested from each applicant, FMCSA is granting exemptions from 49 CFR 391.41(b)(8) to 9 individuals. Under current FMCSA regulations, all of the 9 drivers receiving exemptions from 49 CFR 391.41(b)(8) would have been considered physically qualified to drive a CMV in interstate commerce except that they presently take or have recently stopped taking anti-seizure medication. All but one of the drivers receiving an exemption currently take anti-seizure medication. For these 9 drivers, the primary obstacle to medical qualification was the FMCSA Advisory Criteria for Medical Examiners, based on the 1988 ''Conference on Neurological Disorders and Commercial Drivers,'' stating that a driver should be off anti-seizure medication in order to drive in interstate commerce. In fact, the Advisory Criteria have little if anything to do with the actual risk of a seizure and more to do with assumptions about individuals who are taking anti-seizure medication.

In addition to evaluating the medical status of each applicant, FMCSA evaluated the crash and violation data for the nine drivers, some of whom currently drive a CMV in intrastate commerce. The Commercial Driver's License Information System (CDLIS) and the FMCSA Motor Carrier Management Information System (MCMIS) were searched for crash and violation data on the nine applicants. The crash and violation history on each individual driver is listed in his or her biographical profile.

These exemptions are contingent on the driver maintaining a stable treatment regimen and remaining seizure-free during the 2-year exemption period. The exempted drivers must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free. The driver must undergo an annual medical examination by a medical examiner, as defined by 49 CFR 390.5, following the FCMSA's regulations for the physical qualifications for CMV drivers.

FMCSA published a notice of receipt of application and requested public comment during a 30-day public comment period in a **Federal Register** notice for each of the applicants. A short summary of the applicants' qualifications follows. A discussion of the comments received follows in section D. Comments. For the applicant who was denied an exemption, a notice will be published at a later date.

Docket #FMCSA–2013–0106

On April 24, 2013, FMCSA published a notice of receipt of exemption applications and requested public comment on 10 individuals (Docket number FMCSA–2013–0106). The comment period ended on May 24, 2013. Two commenters responded to the **Federal Register** notice. A discussion of the comments is presented later in this document. FMCSA has determined that nine of these applicants should be granted an exemption. The Agency will issue a decision on the other driver at a later date.

Steven L. Gordon

Mr. Gordon is a 57 year-old CMV driver in Montana. He has a history of seizures as a result of a head injury in 1986 and his last seizure was in 2005. He takes anti-seizure medication with the dosage and frequency remaining the same for over 7 years. If granted the exemption, he would like to drive a tractor trailer. His physician states he is supportive of Mr. Gordon receiving an exemption to operate a CMV. Mr. Gordon has no entries in CDLIS or MCMIS within the last 3 years.

Kevin A. Jandreau

Mr. Jandreau is a 46 year-old Class A CMV driver in Maine. He has a diagnosis of seizure disorder. He has remained seizure free for at least 15 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 15 years. If granted the exemption, he would like to drive a tractor trailer. Mr. Jandreau has no entries in CDLIS or MCMIS within the last 3 years.

Jason C. Kirkham

Mr. Kirkham is a 39 year-old CMV driver in Wisconsin. He has a history of seizures and has remained seizure free for 17 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 17 years. If granted the exemption, he would like to drive straight trucks, cranes, or heavy equipment. His physician states he is supportive of Mr. Kirkham receiving an exemption. Mr. Kirkham has no entries in CDLIS or MCMIS within the last 3 years.

William P. Lago

Mr. Lago is a 26 year-old driver in Massachusetts. He has a diagnosis of epilepsy and has remained seizure free for 8 years. He takes anti-seizure medication with the dosage and frequency remaining the same since June 2010. If granted the exemption, he would like to drive a dump truck. Mr. Lago has no entries in CDLIS or MCMIS within the last 3 years.

Michael K. Lail

Mr. Lail is a 54 year-old CMV driver in North Carolina. He had a single post-traumatic seizure 46 years ago and has remained seizure free since that time. Mr. Lail has not taken anti-seizure medication since July 2012. If granted the exemption, he would like to drive a tractor trailer. His physician states he is supportive of Mr. Lail receiving an exemption. Mr. Lail has one entry in CDLIS for an accident in 2012, not involving a CMV, and no entries in MCMIS within the last 3 years.

Verbon T. Latta

Mr. Latta is a 43 year-old driver in Alabama. He has had 2 seizures, both in May of 2007, 13 days apart while on a new medication following back surgery. He has remained seizure free since that time. He takes anti-seizure medication with the dosage and frequency remaining the same for 6 years. If granted the exemption, he would like to drive a tractor trailer. Mr. Latta has no entries in CDLIS or MCMIS within the last 3 years.

Jeffrey P. Moore

Mr. Moore is a 36 year-old driver in New York. He has a diagnosis of seizure disorder, and his last seizure was in July of 1999. He has remained seizure free since that time. He takes anti-seizure medication with the dosage and frequency remaining the same for over 12 years. If granted the exemption, he would like to drive a box truck or van. Mr. Moore has no entries in CDLIS or MCMIS within the last 3 years.

Michael E. Righter

Mr. Righter is a 38 year-old driver in Pennsylvania. Mr. Righter has a diagnosis of seizure disorder, and his last seizure was in March of 1987. He has remained seizure free since that time. He takes anti-seizure medication with the dosage and frequency remaining the same for over 20 years. If granted the exemption, he would like to drive a Class B truck with air brakes. Mr. Righter has no entries in CDLIS or MCMIS within the last 3 years.

Douglas S. Slagel

Mr. Slagel is a 48 year-old CMV driver in Ohio. Mr. Slagel has a diagnosis of seizure disorder, and his last seizure was in 1977. He has remained seizure free since that time. He takes anti-seizure medication with the dosage and frequency remaining the same for over 20 years. If granted the exemption, he would like to drive a Class B truck with air brakes. His physician is supportive of Mr. Slagel receiving his exemption. Mr. Slagel has 2 entries in CDLIS for speeding, not involving a CMV, and no entries in MCMIS within the last 3 years.

D. Comments

In response to the notice, FMCSA received two comments. The one comment specific to these applicants is addressed here. Comments that relate specifically to applicants other than the ones covered in this notice will be addressed in a subsequent notice of denial of application.

Public Support for Applicants and the Exemptions

Jennifer Lail comments that her husband Michael Lail had a seizure as a child when he ''collided with another kid on the the playground'' and has suffered no seizures since. She states that driving is his passion and that he has been driving a truck for the same company since 1988.

E. Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, the Agency's analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him to driving in intrastate commerce.

Conclusion

The Agency is granting exemptions from the epilepsy standard, 49 CFR 391.41(b)(8), to nine individuals based on a thorough evaluation of each driver's qualifications, safety experience, and medical condition. Safety analysis of information relating to these nine applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. By granting the exemptions, the interstate CMV industry will gain nine highly trained and experienced drivers. In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for 2 years, with annual recertification required unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

FMCSA exempts the following 9 drivers for a period of 2 years with annual medical certification required: Steven Gordon (MT); Kevin Jandreau (ME); Jason Kirkham (WI); William Lago (MA); Michael Lail (NC); Verbon Latta (AL); Jeffrey Moore (NY); Michael Righter (PA); and Douglas Slagel (OH) from the prohibition of CMV operations by persons with a clinical diagnosis of epilepsy or seizures. If the exemption is still in effect at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July 3, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–16683 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0107]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption, request for comments.

SUMMARY: FMCSA announces receipt of applications from 9 individuals for an exemption from the prohibition against persons with a clinical diagnosis of epilepsy or any other condition which is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce. The regulation and the associated advisory criteria published in the Code of Federal Regulations as the ''Instructions for Performing and Recording Physical Examinations'' have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs for 2 years in interstate commerce.

DATES: Comments must be received on or before August 12, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2013–0107 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through

Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316; January 17, 2008). This information is also available at *http://Docketinfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Elaine Papp, Chief, Medical Programs Division, (202) 366–4001, or via email at *fmcsamedical@dot.gov,* or by letter FMCSA, Room W64–113, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statutes also allow the Agency to renew exemptions at the end of the 2-year period. The 9 individuals listed in this notice have recently requested an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8), which applies to drivers who operate CMVs as defined in 49 CFR 390.5, in interstate commerce. Section 391.41(b)(8) states that a person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

FMCSA provides medical advisory criteria for use by medical examiners in determining whether drivers with certain medical conditions should be certified to operate CMVs in intrastate commerce. The advisory criteria indicate that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause which did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition, has no existing residual complications, and is not taking anti-seizure medication. Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

Summary of Applications

Selene Anderson

Ms. Anderson is a 58 year-old driver in Tennessee. She suffered seizures as a child and has been seizure-free since 1968. She takes anti-seizure medication with the dosage and frequency remaining the same for over 2 years.

Christopher Bird

Mr. Bird is a 29 year-old driver in Ohio. He has a diagnosis of epilepsy and has remained seizure-free for over 15 years. He takes anti-seizure medication with the dosage and frequency remaining the same for over 5 years. His physician is supportive of Mr. Bird receiving an exemption.

Fletcher Dortch

Mr. Dortch is a 58 year-old driver in Maryland. He had a single seizure in 2007. He takes anti-seizure medication with the dosage and frequency remaining the same for over 5 years. His physician is supportive of Mr. Dortch receiving an exemption.

Michael Kramer

Mr. Kramer is a 46 year-old driver in Kansas. He had a seizure due to a brain tumor which was removed in 2009. He has remained seizure-free since that time. He does not require anti-seizure medication. His physician is supportive of Mr. Kramer receiving an exemption.

Edward Nissenbaum

Mr. Nissenbaum is a 61 year-old driver in Pennsylvania. He had a seizure in 1999. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician is supportive of Mr. Nissenbaum receiving an exemption.

Stanislav Spielvogel

Mr. Spielvogel is a 55 year-old driver in Connecticut. He has a diagnosis of epilepsy and has remained seizure-free for over 20 years. He takes anti-seizure medication with the dosage and frequency remaining the same since 2006. His physician is supportive of Mr. Spielvogel receiving an exemption.

Stephen Stawinsky

Mr. Stawinsky is a 54 year-old driver in Pennsylvania. He had a seizure in 1995 and has been seizure-free for over 20 years. He takes anti-seizure medication with the dosage and frequency remaining the same since 2005. His physician is supportive of Mr. Stawinsky receiving an exemption.

Lyle Trimm

Mr. Trimm is a 55 year-old driver in New Jersey. He had a seizure in 2007 and has been seizure-free for 6 years. He takes anti-seizure medication with the dosage and frequency remaining the same since that time.

George Webb

Mr. Webb is a 71 year-old driver in Massachusetts. He has a history of seizure disorder and has remained seizure-free for over 24 years. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician is supportive of Mr. Webb receiving an exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in this notice.

We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: July 8, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–16685 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0058]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 28, 2013, Commerce City (City), CO, and the Railroad Controls LP (RCL) have jointly petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings. FRA assigned the petition Docket Number FRA–2013–0058.

The City and RCL, jointly referred to as ''Petitioners,'' are seeking a waiver from the requirements of 49 CFR part 222, Appendix E, Paragraph 5, which provides that a wayside horn system must sound at a minimum of 15 seconds prior to the train's arrival at the crossing and while the lead locomotive is traversing the crossing. Specifically, the Petitioners request that the wayside horn installed at the East 60th Avenue highway-rail grade crossing (USDOT #057190R) not be required to continue to sound while the lead locomotive is traversing the crossing when the train is traveling less than 15 mph.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by August 26, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–16678 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0048]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations, this document provides the public notice that by a document dated April 7, 2013, the Massachusetts Central Railroad Corporation (MCER) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal hours of service laws contained at 49 U.S.C. 21103(a)(4). FRA assigned the petition Docket Number FRA–2013–0048.

In its petition, MCER seeks relief from 49 U.S.C. 21103(a)(4) which, in part, requires a train employee to receive 48 hours off duty after initiating an on-duty period, each day, for 6 consecutive days. Specifically, MCER seeks a waiver to allow a train employee to initiate an on-duty period for 6 consecutive days followed by 24 hours off duty. In support of its request, MCER submitted documents demonstrating employee support and a description of employee work schedules.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov/.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by August 26, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the

Federal Register published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–16676 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0051]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 6, 2013, the Erie Lackawanna Dining Car Preservation Society (ELDCPS) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR section 223.15, *Requirements for existing passenger cars.* FRA assigned the petition Docket Number FRA–2013–0051.

This petition relates to the operation of a sleeping car, ''The City of Lima,'' Reporting Mark RPCX 211. The petitioner is requesting permission to continue to operate the car that does not have window glazing meeting the requirements of 49 CFR 223.15. This car is interchanged with railroads operating on the general system, moved short distances over freight railroads for storage when not in use, and operated behind Amtrak passenger trains or in special trains made up of similar passenger cars. ELDCPS is a not-for-profit corporation, incorporated in the State of New Jersey since 2001.

The private passenger car fleet is a small fraction of the total passenger fleet operating in the country, and continues to have an excellent safety record, due in part to the operating characteristics and the operating environment of the cars. Operation of this private passenger car has been injury-free as related to window glazing for the past 20 years, and the car has operated in the service described in this petition since 2008.

Specifically, Car RPCX 211 was built by Pullman Standard in February 1950 and is equipped with 20 Adams & Westlake #64 sash, double-glazed, 30″ × 42″ side windows with a mixture of unmarked polycarbonate and automotive-type, windshield-grade, laminated safety glass. FRA Type II polycarbonate glazing is present in the vestibule's Dutch doors, but is badly hazed. Carbody end-door windows are unmarked polycarbonate.

ELDCPS seeks relief from the glazing requirements for operation of this passenger car for short distances over freight lines, behind Amtrak passenger trains, or in special trains made up of similar passenger cars. Typically, these cars are operated over scenic, long-distance routes through rural countryside, which are low-risk areas for window damage or breakage. The car is operated at a maximum track speed, as authorized by the railroad that is controlling the movement.

Since ELDCPS purchased RPCX 211, in 2007, FRA has not received any reports of personal injuries involving the operation of this equipment as the result of the presently installed noncompliant glazing. There have not been any acts of vandalism to this car while in storage or in operation. When not in use, this equipment is stored at a private siding on the Delaware-Lackawanna Railroad in Scranton, PA.

ELDCPS has a current and feasible emergency egress plan for this car. The plan includes four, clearly marked emergency exit windows, emergency battery lights throughout the car, and standard emergency tools in a well-marked cabinet near Bedroom A in the hallway.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by August 26, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–16677 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2013–0136]

Pipeline Safety: Potential for Damage to Pipeline Facilities Caused by Flooding

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice; Issuance of Advisory Bulletin.

SUMMARY: PHMSA is issuing this advisory bulletin to all owners and operators of gas and hazardous liquid pipelines to communicate the potential for damage to pipeline facilities caused by severe flooding. This advisory includes actions that operators should consider taking to ensure the integrity of pipelines in case of flooding.

FOR FURTHER INFORMATION CONTACT: Operators of pipelines subject to regulation by PHMSA should contact the appropriate PHMSA Regional Office. The PHMSA Regional Offices and their contact information are as follows:

- Central Region: 816–329–3800 Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,

South Dakota, and Wisconsin

- Eastern Region: 609–989–2171 Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia
- Southern Region: 404–832–1147 Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, and Tennessee
- Southwest Region: 713–272–2859 Arkansas, Louisiana, New Mexico, Oklahoma, and Texas
- Western Region: 720–963–3160 Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming

Intrastate pipeline operators should contact the appropriate state pipeline safety authority. A list of state pipeline safety authorities is provided at: *www.napsr.org.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 192.613(a) of the Pipeline Safety Regulations (49 CFR Parts 190–199) states that ''[e]ach operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning changes in class location, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.'' Section 192.613(b) further states that ''[i]f a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved, or, if the segment cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with § 192.619(a) and (b).''

Likewise, § 195.401(b)(1) of the Pipeline Safety Regulations states that ''[w]henever an operator discovers any condition that could adversely affect the safe operation of its pipeline system, it must correct the condition within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the operator may not operate the affected part of the system until it has corrected the unsafe condition.'' Section 195.401(b)(2) further states that ''[w]hen an operator discovers a condition on a pipeline covered under [the integrity management requirements in] § 195.452, the operator must correct the condition as prescribed in § 195.452(h).'' Severe flooding is the kind of unusual operating condition that can adversely affect the safe operation of a pipeline and require corrective action under §§ 192.613(a) and 195.401(b).

PHMSA has released five Advisory Bulletins on this subject with the earliest issued July 29, 1993 (ADB–93–03), and the most recent Advisory Bulletin (ADB–11–04) on July 27, 2011, 76 FR 44985, each of which followed an event that involved severe flooding that affected pipelines in the areas of rising waters. Three of the more notable events are briefly described below:

On August 13, 2011, Enterprise Products Operating, LLC discovered a release of 28,350 gallons (675 barrels) of natural gasoline into the Missouri River in Iowa. The rupture, according to the metallurgical report, was the result of fatigue crack growth driven by vibrations in the pipe from vortex shedding.

On July 1, 2011, ExxonMobil Pipeline Company experienced a pipeline failure near Laurel, Montana, resulting in the release of 63,000 gallons of crude oil into the Yellowstone River. The rupture was caused by debris washing downstream in the river damaging the exposed pipeline.

On July 15, 2011, NuStar Pipeline Operating Partnership, L.P. reported a 100-barrel anhydrous ammonia spill in the Missouri River in Nebraska. The 6-inch-diameter pipeline was exposed by scouring during extreme flooding.

As shown in these previous events, damage to a pipeline may occur as a result of additional stresses imposed on piping by undermining of the support structure and by impact and/or waterborne forces. Washouts and erosion may result in loss of support for both buried and exposed pipelines. The flow of water against an exposed pipeline may also result in forces sufficient to cause a failure. These forces are increased by the accumulation of debris against the pipeline. Reduction of cover over pipelines in farmland may also result in the pipeline being struck by equipment used in farming or clean-up operations.

Additionally, the safety of valves, regulators, relief sets, and other facilities normally above ground or above water is jeopardized when covered by water. This threat is posed not only by operational factors, but also by the possibility of damage by outside forces, floating debris, current, and craft operating on the water. Boaters involved in rescue operations, emergency support functions, sightseeing, and other activities are generally not aware of the seriousness of an incident that could result from their craft damaging a pipeline facility that is unseen beneath the surface of the water. Depending on the size of the craft and the pipeline facility struck, significant pipeline damage may result.

Though these accidents account for less than one percent of the total number of pipeline accidents, the consequences of a release in water can be much more severe because of the threats to drinking water supplies and potential environmental damage.

II. Advisory Bulletin (ADB–2013–02)

To: Owners and Operators of Gas and Hazardous Liquid Pipeline Systems.

Subject: Potential for Damage to Pipeline Facilities Caused by Severe Flooding.

Advisory: Severe flooding can adversely affect the safe operation of a pipeline. Operators need to direct their resources in a manner that will enable them to determine the potential effects of flooding on their pipeline systems. Operators are urged to take the following actions to prevent and mitigate damage to pipeline facilities and ensure public and environmental safety in areas affected by flooding:

1. Evaluate the accessibility of pipeline facilities that may be in jeopardy, such as valve settings, which are needed to isolate water crossings or other sections of a pipeline.
2. Extend regulator vents and relief stacks above the level of anticipated flooding, as appropriate.
3. Coordinate with emergency and spill responders on pipeline location and condition. Provide maps and other relevant information to such responders.
4. Coordinate with other pipeline operators in the flood area and establish emergency response centers to act as a liaison for pipeline problems and solutions.
5. Deploy personnel so that they will be in position to take emergency actions, such as shut down, isolation, or containment.
6. Determine if facilities that are normally above ground (e.g., valves, regulators, relief sets, etc.) have become submerged and are in danger of being struck by vessels or debris and, if possible, mark such facilities with an appropriate buoy and Coast Guard approval.
7. Perform frequent patrols, including appropriate overflights, to evaluate right-of-way conditions at water crossings during flooding and after waters subside. Determine if flooding has exposed or undermined pipelines as a result of new river channels cut by the flooding or by erosion or scouring.

8. Perform surveys to determine the depth of cover over pipelines and the condition of any exposed pipelines, such as those crossing scour holes. Where appropriate, surveys of underwater pipe should include the use of visual inspection by divers or instrumented detection. Information gathered by these surveys should be shared with affected landowners. Agricultural agencies may help to inform farmers of the potential hazard from reduced cover over pipelines.

9. Ensure that line markers are still in place or replaced in a timely manner. Notify contractors, highway departments, and others involved in post-flood restoration activities of the presence of pipelines and the risks posed by reduced cover.

If a pipeline has suffered damage, is shut-in, or is being operated at a reduced pressure as a precautionary measure due to flooding, the operator should advise the appropriate PHMSA regional office or state pipeline safety authority before returning the line to service, increasing its operating pressure, or otherwise changing its operating status. Furthermore, reporting a Safety Related Condition as prescribed in §§ 191.23 and 195.55 may also be required.

Issued in Washington, DC on July 8, 2013.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2013–16754 Filed 7–11–13; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35726]

Transport Handling Specialists, Inc.—Continuance in Control Exemption—RSL Railroad, LLC

Transport Handling Specialists, Inc. (THS), has filed a verified notice of exemption (Notice) under 49 CFR 1180.2(d)(2) to continue in control of RSL Railroad, LLC (RSL), upon RSL's becoming a Class III rail carrier. By decision served May 15, 2013, the Board held the publication and effectiveness of the Notice in abeyance pending record supplementation and further Board action. THS supplemented the record on June 3, 2013, and June 17, 2013. The abeyance in this proceeding will be lifted upon service of this Notice.

This transaction is related to a verified notice of exemption filed in *RSL Railroad LLC—Operation Exemption—Massillon Energy & Technology Park,* Docket No. FD 35672, wherein RSL is seeking Board authority to operate an approximately 1.27-mile line in Massillon, Stark County, Ohio.

The transaction may be consummated on or after July 26, 2013 (the effective date of this exemption).

THS states that it has a 50% ownership interest in RSL, with the remaining interest equally split among three other individuals.[1] THS states that it also owns 100% of Big Spring Rail System, Inc., a Class III rail carrier that operates in Big Spring, Texas.[2]

THS certifies that: (1) The rail line to be operated by RSL does not connect with any other railroads in the THS corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the rail line to be operated by RSL with any other railroad in the THS corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than July 19, 2013 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35726, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Baxter Wellmon, 1554 Paoli Pike #179, West Chester, PA 19380.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: July 9, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2013–16741 Filed 7–11–13; 8:45 am]

BILLING CODE 4915–01–P

[1] Notice 3 (Apr. 29, 2013); Notice, Ex. 3, Schedule A.

[2] Supplement 2 (June 17, 2013).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35729]

Ann Arbor Railroad, Inc.—Lease Exemption—Norfolk Southern Railway Company

Under 49 CFR 1011.7(a)(2)(x)(A), the Director of the Office of Proceedings (Director) is delegated the authority to determine whether to issue notices of exemption under 49 U.S.C. 10502 for lease and operation transactions under 49 U.S.C. 10902. However, the Board reserves to itself the consideration and disposition of all matters involving issues of general transportation importance. 49 CFR 1011.2(a)(6). Accordingly, the Board revokes the delegation to the Director with respect to issuance of the notice of exemption for lease and operation of the rail line at issue in this case. The Board determines that this notice of exemption should be issued, and does so here.

Notice

Ann Arbor Railroad, Inc. (AARR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from Norfolk Southern Railway Company (NSR) two rail lines totaling 3.69 miles: (1) A line of railroad between milepost CS 1.26 and milepost CS 2.65 in Toledo, Ohio; and (2) a line of railroad between milepost GY 85.40 and GY 87.70 in Toledo (the Lines). According to AARR, it has entered into a Lease Agreement (Agreement) with NSR whereby AARR will lease the Lines from NSR. The term of the lease is 10 years.

Pursuant to 49 CFR 1150.43(h), AARR has disclosed that the Agreement contains an interchange commitment in the form of lease credits, depending on the number of carloads interchanged with NSR in a given year.[1] AARR states that the interchange commitment will enable it to ''invest in improvements on the lines and increase traffic levels.''[2]

[1] AARR has filed under seal, pursuant to 49 CFR 1150.43(h)(1)(ii), a confidential, complete version of the Agreement. On July 1, 2013, the Brotherhood of Locomotive Engineers and Trainmen filed a motion for access to the Agreement. That motion will be addressed in a separate decision.

[2] Notice 4.

The Lines connect with AARR at AARR milepost 0.0 (Galena Street) and AARR milepost 1.0 (Manhattan Junction) in Toledo. Traffic moving to and from the Lines will have access to AARR connecting carriers NSR, Canadian National Railway Company (CN), CSX Transportation, Inc., and Wheeling & Lake Erie Railway in Toledo; the Indiana and Ohio Railway and CN in Diann, Mich.; NSR in Milan, Mich.; and Great Lakes Central Railroad in Ann Arbor, Mich.[3]

AARR certifies that its projected annual revenues as a result of this transaction will not result in AARR becoming a Class I or Class II rail carrier but that its projected annual revenues will exceed $5 million. On June 24, 2013, AARR certified to the Board that it posted the notice required by 49 CFR 1150.42(e) at the workplace of the employees on the Lines, and that it served a copy of the notice on the national offices of the labor unions with employees on the Lines.

The earliest the transaction can be consummated is August 23, 2013, (60 days after AARR submitted its certification to the Board). *See* 49 CFR 1150.42(e); *Progressive Rail Inc.—Acquis. & Operation Exemption—Rail Lines of Crab Orchard & Egyptian R.R.,* FD 35656, slip op. at 2–3 (STB served Oct. 5, 2012).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke would not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than August 16, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35729, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Karl Morell, BALL JANIK LLP, 655 Fifteenth Street NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

It is ordered:

1. The delegation of authority to the Director of the Office of Proceedings under 49 CFR 1011.7(a)(2)(x)(A) to determine whether to issue a notice of exemption in this proceeding is revoked.

2. This decision is effective on the date of service.

Decided: July 9, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey. Commissioner Mulvey dissented with a separate expression.

Jeffrey Herzig,

Clearance Clerk.

Commissioner Mulvey, Dissenting

I disagree with the Board's decision to allow this transaction to be processed under the class exemption procedures because I believe that additional scrutiny of the interchange commitment is necessary. Although AARR asserts that the interchange commitment (which takes the form of a per car lease credit) will enable it to invest in the two leased lines, this is a generic rationale that sheds no light on how the interchange commitment will affect competition. Moreover, the leased lines, although short, contain many potential interchange points. The interchange commitment in the lease agreement creates a disincentive for AARR to interchange with the five other carriers with which it connects. The Board needs to take a closer look at transactions such as these that purport to increase investment incentives but also serve to limit competition that might otherwise develop.[1]

[FR Doc. 2013–16782 Filed 7–11–13; 8:45 am]

BILLING CODE 4915–01–P

[3] *Id.* at 5.

[1] In *Information Required in Notices and Petitions Containing Interchange Commitments,* EP 714 (STB served Nov. 1, 2012), the Board proposed new rules that would require carriers to disclose more information when proposing transactions, such as this one, that contain an interchange commitment. The comment period in this rulemaking closed in January 2013 and the matter remains pending at the Board.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35672]

RSL Railroad LLC—Operation Exemption—Massillon Energy & Technology Park

On September 10, 2012, RSL Railroad, LLC (RSL), filed a verified notice of exemption (Notice) under 49 CFR 1150.31 to operate an approximately 1.27-mile line, in Massillon, Stark County, Ohio, from milepost 0.0 to milepost 1.27± (the Line), pursuant to an agreement with Massillon Energy & Technology Park (Massillon), the owner of the Line. By decision served October 3, 2012, on RSL's motion, the Board held the Notice in abeyance pending record supplementation and further Board action. RSL supplemented the record on April 26, 2013, and June 4, 2013. The abeyance in this proceeding will be lifted upon service of this Notice.

This transaction is related to a notice of exemption filed in *Transport Handling Specialists, Inc.—Continuance in Control Exemption—RSL Railroad, LLC,* Docket No. FD 35726, in which Transport Handling Specialists, Inc. (THS), is seeking Board authority to continue in control of RSL upon RSL's becoming a Class III rail carrier.

RSL states that it will operate over track that will be rehabilitated. RSL states that it intends to interchange traffic with ''the NS Industrial line,''[1] and possibly with R.J. Corman Railroad. In addition, RSL states that the memorandum of understanding[2] between RSL and Massillon does not contain any interchange commitments, and that there will be no interchange commitments between RSL and its connecting carriers.

The transaction may be consummated on or after July 26, 2013 (the effective date of this exemption).

RSL certifies that its projected annual revenues as a result of the transaction will not exceed those that would make it a Class III rail carrier and will not exceed $5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by July 19, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35672, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Baxter Wellmon, 1554 Paoli Pike #179, West Chester, PA 19380.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: July 9, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–16753 Filed 7–11–13; 8:45 am]

BILLING CODE 4915–01–P

[1] Notice 3 (Sept. 10, 2012). The reference is to Norfolk Southern Railway.

[2] Because Massillon is not a common carrier subject to Board jurisdiction, RSL filed with the Board a copy of its memorandum of understanding with Massillon. *See Anthony Macrie—Continuance in Control Exemption—N.J. Seashore Lines, Inc.,* FD 35296, *et al.,* slip op. at 3 (STB served Aug. 31, 2010).

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 8, 2013.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before August 12, 2013 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request maybe found at *www.reginfo.gov.*

Bureau of the Public Debt (BPD)

OMB Number: 1535–0023.

Type of Review: Revision of a currently approved collection.

Title: Request To Reissue United States Savings Bonds.

Form: PD F 4000.

Abstract: The information is requested to support a request to reissue paper (definitive) Series EE, HH, and I United States Savings Bonds, Retirement Plan Bonds, and Individual Retirement Bonds and to indicate the new registration required.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 57,500.

OMB Number: 1535–0062.

Type of Review: Extension without change of a currently approved collection.

Title: Special Bond of Indemnity By Purchaser of United States Savings Bonds/Notes Involved in a Chain Letter Scheme.

Form: PD F 2966.

Abstract: The information is requested to support a request for refund of the purchase price of savings bonds purchased in a chain letter scheme and used to identify the securities involved and to issue a refund of the purchase price.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 320.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2013–16706 Filed 7–11–13; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of an Individual Pursuant to Executive Order 13619

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the name of one individual whose property and interests in property are blocked pursuant to Executive Order 13619 of July 11, 2012, ''Blocking Property of Persons Threatening the Peace, Security, or Stability of Burma.''

DATES: The designation by the Director of OFAC of the one individual named in this notice, pursuant to Executive Order 13619, is effective July 2, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, Tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

Background

On July 11, 2012, President Barack Obama signed Executive Order 13619, ''Blocking Property of Persons Threatening the Peace, Security, or Stability of Burma'' (''E.O. 13619''), 77 FR 41243 (July 13, 2012), pursuant to, inter alia, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), which modifies the scope of the national emergency declared in Executive Order 13047 of May 20, 1997, as modified in scope in Executive Order 13448 of October 18, 2007, and relied upon for additional steps taken in Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007, and Executive Order 13464 of April 30, 2008.

Section 1(a) of E.O. 13619 blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of persons determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, to satisfy any of the criteria set forth in subparagraphs (a)(i)–(a)(vi) of Section 1. On July 2, 2013, the Director of OFAC, in consultation with or at the recommendation of the Department of State, designated pursuant to one or more of the criteria set forth in Section 1, subparagraphs (a)(i)–(a)(vi) of E.O. 13619, the following individual, whose name has been added to the list of Specially Designated Nationals and Blocked Persons and whose property and interests in property are blocked pursuant to E.O. 13619:

1. HTAY, Thein; DOB 07 Sep 1955; POB Taunggyi, Burma; Lieutenant General; Chief of Defence Industries; Chief of Army Ordnance Industries (individual) [BURMA].

Dated: July 2, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–16690 Filed 7–11–13; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Actions Taken Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury Department.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing on OFAC's list of Specially Designated Nationals and Blocked Persons (''SDN List'') the names of two entities and two individuals, whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.'' The designations by the Director of OFAC, pursuant to Executive Order 13382, were effective on June 27, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance

Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, Tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On June 27, 2013, the Director of OFAC, in consultation with the Departments of State, Justice, and other relevant agencies, designated two entities and two individuals whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees is as follows:

1. DAEDONG CREDIT BANK (a.k.a. DAE–DONG CREDIT BANK; a.k.a. DCB; a.k.a. TAEDONG CREDIT BANK), Suite 401, Potonggang Hotel, Ansan-Dong, Pyongchon District, Pyongyang, Korea, North; Ansan-dong, Botongang Hotel, Pongchon, Pyongyang, Korea, North; SWIFT/BIC DCBK KPPY [NPWMD].
2. DCB FINANCE LIMITED, Akara Building, 24 de Castro Street, Wickhams Cay I, Road Town, Tortola, Virgin Islands, British; Dalian, China [NPWMD].
3. KIM, Chol Sam; DOB 11 Mar 1971; nationality Korea, North; Treasurer, Daedong Credit Bank (individual) [NPWMD].
4. SON, Mun San; DOB 23 Jan 1951; External Affairs Bureau Chief, General Bureau of Atomic Energy (individual) [NPWMD].

Dated: June 27, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–16691 Filed 7–11–13; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0325]

Agency Information Collection (Certificate of Delivery of Advance Payment and Enrollment) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 12, 2013.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0325'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492, or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0325.''

SUPPLEMENTARY INFORMATION: *Title:* Certificate of Delivery of Advance Payment and Enrollment, VA Form 22–1999V.

OMB Control Number: 2900–0325.

Type of Review: Revision of a currently approved collection.

Abstract: VA will make payments of educational assistance in advance when the veteran, servicemember, reservist, or eligible person has specifically requested such payment. The school in which a student is accepted or enrolled delivers the advance payment to the student and is required to certify the deliveries to VA. VA Form 22–1999V serves as the certificate of delivery of advance payment and to report any changes in a student's training status. Schools are required to report when a student fails to enroll; has an interruption or termination of attendance; or unsatisfactory attendance, conduct or progress to VA.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 26, 2013, at page 13159.

Affected Public: State, Local or Tribal Government.

Estimated Annual Burden: 76 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 159.

Estimated Total Number of Respondents: 700.

Dated: July 9, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–16755 Filed 7–11–13; 8:45 am]

BILLING CODE 8320–01–P

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