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Rules and Regulations

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

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

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is adopting as final an interim rule that amended the requirement that agencies provide a copy of the MSPB appeal form when the agency issues a decision notice to an employee on a matter that is appealable to MSPB.

DATES: Effective July 22, 2013.

FOR FURTHER INFORMATION CONTACT: William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; phone: (202) 653–7200; fax: (202) 653–7130; or email: *mspb@mspb.gov*.

SUPPLEMENTARY INFORMATION: On April 11, 2013, the Board published an interim final rule amending 5 CFR 1201.21(c). 78 FR 21517. Prior to publication of this interim rule, this regulation required that, when a federal agency issues a decision notice to an employee on a matter that is appealable to MSPB, the federal agency must provide the employee with ''[a] copy of the MSPB appeal form . . . .'' The interim rule amended this regulation to allow federal agencies to provide employees ''[a] copy, or access to a copy, of the MSPB appeal form . . . .''

The Board received no comments in response to the interim rule. Therefore, the Board has determined to adopt the interim rule as final without change.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure.

William D. Spencer,
Clerk of the Board.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 5 CFR 1201.21(c), which was published at 78 FR 21517, on April 11, 2013, is adopted as a final rule without change.

[FR Doc. 2013–17508 Filed 7–19–13; 8:45 am]
BILLING CODE 7400–01–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

RIN 580–AB15

Inspection and Weighing of Grain in Combined and Single Lots

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA), Grain Inspection, Packers and Stockyards Administration (GIPSA) is amending the regulations that cover the official grain inspection and weighing service procedures that GIPSA's Federal Grain Inspection Service (FGIS) performs under the authority of the United States Grain Standards Act (USGSA), as amended. Specifically, GIPSA is amending the regulations issued under the USGSA pertaining to grain exported in large reusable containers typically loaded onto export ships. In this final rule, GIPSA will add new definitions for ''composite'' and ''average'' grades, limit the number of containers that may be averaged or combined to form a single lot, restrict the inspection and weighing of container lots to the official service provider's area of responsibility, specify a 60-day retention period for file samples representing such container lots, make consistent the weighing certification procedures for container lots with those for inspection certification procedures, and make other miscellaneous changes. GIPSA believes that these revisions will help facilitate the marketing of U.S. grain shipped for export.

DATES: Effective September 20, 2013.

FOR FURTHER INFORMATION CONTACT: Robert Lijewski, Director, USDA, GIPSA, Field Management Division, 1400 Independence Avenue SW., Room 2409–S, Washington, DC 20250–3630, phone (202) 720–0224.

SUPPLEMENTARY INFORMATION:

Background

The United States Grain Standards Act (USGSA) (7 U.S.C. 71–87k), as amended, provides an official inspection system that facilitates the marketing of grain in domestic and international markets. The Secretary of Agriculture (Secretary) is authorized by the USGSA to establish standards of kind, class, quality, and condition for various grains and to establish standards or procedures for accurate weighing and weight certification and controls, including safeguards over equipment calibration and maintenance, for grain shipped in interstate or foreign commerce. Additionally, the Secretary can amend or revoke these standards or procedures as needed in order to adjust to current industry needs and practices. Under authority delegated by the Secretary, GIPSA is authorized to establish and maintain regulations that cover the inspection and weighing of grain under the USGSA.

Grain exported in large reusable containers has grown considerably in the past 5 years to levels that GIPSA believes have far exceeded grain industry expectations. Increased exports of containerized grain have, in turn, increased the demand for USDA grain inspection services provided by FGIS and its official grain export service providers. While the overall market share for U.S. export grain shipped in large reusable containers has grown rapidly, USGSA regulations (7 CFR part 800) for export grain shipments have focused primarily on the inspection and grading of grain exported in shiplots, unit trains, and lash barges—not on grain exported in multiple large reusable containers that are considered collectively as a single lot.

The last amendments to these sections of the USGSA regulations occurred in 1980 (45 FR 15810) when grain was not typically exported in large reusable containers but was exported in ships,

unit trains, and lash barges. In recent years, however, demand has increased for grain that is exported in large reusable containers, which enables buyers and sellers to negotiate contract terms that specify the exact quantity and quality of grain to be delivered. Typically, the industry uses large reusable containers that may be 20 feet or 40 feet in length, 8′0″ or 8′6″ in width, and 8′6″ or 9′6″ in height to transport bulk or sacked grain. Large reusable containers are usually a metal truck/trailer body that can be detached from the chassis for loading into a vessel, a railcar, or stacked in a container depot. Sales contracts usually cover multiple container parcels known as ''bookings'' (*i.e.,* grain in multiple large reusable containers that may be from different sources but are sold under a single sales contract and a single certificate) that are shipped to multiple end users, but collectively are considered a single lot. Unless exempted from official inspection and weighing requirements, a sales contract must stipulate that the overall quality in a booking meets an official USDA grade standard. Accordingly, export grain sellers often request that GIPSA combine inspection results from the individual containers and issue one official inspection certificate for the booking.

In the July 18, 2011 **Federal Register** (76 FR 42067), GIPSA requested comments to a proposed rule which proposed amendments to the regulations. GIPSA received comments from 10 stakeholders during the 60-day comment period, which fall into four general categories.

Discussion of Comments and Final Action

Commenters urged GIPSA to establish a larger maximum single lot size greater than the proposed size of 20 large reusable containers for average grade analysis or composite grade analysis. Four commenters urged GIPSA to establish a single lot size of 50 large reusable containers, while two commenters requested GIPSA to establish a single lot size of 60 large reusable containers. GIPSA also received three comments requesting that a maximum single lot size of 1,500 metric tons be adopted. Commenters also stated that the proposed regulations were disadvantageous to the shipper because they would increase delivery time as well as costs and make it more difficult to meet the contract grade. GIPSA considers 20 large reusable containers as equivalent in volume to the other types of land carriers (*e.g.* five railcars and 15 trucks) currently combined or averaged to achieve a single grade according to written instructions. Further, GIPSA believes that a maximum of 20 large reusable containers would ensure quality and uniformity within each single lot of grain that is inspected. Therefore, GIPSA is making no change to the final rule based on the above comments.

GIPSA received comments from ten commenters representing a broad cross section of grain exporters and the containerized shipping industry regarding the proposed reasonably continuous loading requirement. GIPSA did not receive any comments from international importers of containerized grain shipments in response to the proposed rule. Five commenters questioned the selection of 88 hours and suggested a longer limitation, two commenters stated that the market should and does control the timeliness of loading, two commenters requested clarification of the proposed rule, and one commenter said the rule would impose excessive costs and make it more difficult for shippers to meet contracted quality requirements.

The proposed requirement that the loading of grain in single lots be done in a reasonably continuous operation imposes a limit of 88 hours on the amount of down time that can occur while a lot is being loaded. The term ''reasonably continuous operation ''is defined in current regulations (7 CFR 800.0). The applicability of 88 hours of down time follows established time limits already in the USGSA regulations for shiplots, unit trains, and lash barges. This final rule allows for breaks in loading the lot at the particular location for up to 88 hours. Furthermore, this requirement does not state that all containers in a lot must be loaded in the 88-hour time frame, but only stipulates that the loading of the lot must be reasonably continuous, with no consecutive break in loading to exceed 88-hours.

Five commenters suggested that GIPSA allow for a longer period of inactivity, ranging from 5 to 7 days. The commenters cited the inconsistent nature of the container shipping business, and the difficulty to obtain empty containers to load and the equipment to load them. GIPSA believes that applying a reasonably continuous loading requirement to containers will help to maintain overall quality and uniformity throughout the lot.

Commenters also mentioned that the marketplace demands currently in place mandate that containers be loaded as quickly as possible. The 88-hour requirement as proposed promotes the overall uniform quality in the official system by aligning single lot container shipments with existing regulations for ships, unit trains, and lash barges, where there are also market-driven forces to incentivize timely loading of grain shipments. GIPSA believes that imposing a reasonably continuous loading requirement will not place an undue burden on exporters as reflected in the current regulations for ships, unit trains, and lash barges, and will enhance the quality of grain shipped in large reusable containers. Therefore, GIPSA will make no change to the final rule based on the above comments.

GIPSA proposed restricting the inspection and weighing of large reusable container lots to the official service provider's area of responsibility. Two commenters stated that the requirement of having grain inspected, weighed, and certified in a particular geographic area by a single official service provider is too restrictive. Three commenters stated this would hurt smaller exporters as they would be prevented from drawing containers from different areas to make up a booking.

Section 800.81(d) restricts original and reinspection services performed by official personnel to specific areas of responsibility as defined by the Secretary. This final rule will permit the shipper to combine up to 20 large reusable containers in a single lot from different locations within the official service provider's area of responsibility. Furthermore, this is consistent with the current designation requirements applicable to official service providers that perform inspection and weighing services on unit trains and lash barges and therefore should not adversely affect small entities. Additional single lots comprised of a maximum of 20 large reusable containers of the same grade from other official service providers' territories will be permitted to be combined together on a single certificate using combined lot procedures outlined in § 800.85 of the regulations. GIPSA believes the use of combined lot procedures will help to ensure the overall quality and uniformity of the booking. Accordingly, GIPSA is making no change to the final rule based on the above comments.

One comment was received on GIPSA's proposed 60-day retention period for file samples representing large reusable container lots. The commenter proposed a 90-day file sample retention period due to potential extended transit times of export containers. GIPSA believes that establishing a minimum file sample retention period of 60 days is reasonable and consistent with current written instructions for export containers.

Furthermore, § 800.152(c) provides for special retention periods. No other comments were received regarding the other amendments to the table at § 800.152(b). Accordingly, GIPSA is making no change to the final rule based on this comment.

Finally, GIPSA received no comments regarding its proposed addition of definitions for the terms ''composite grade'' and ''average grade'' in § 800.0 of the USGSA regulations. Additionally, GIPSA received no comments regarding the proposed change of the word ''shall'' to ''must'', and ''certificated'' to ''certified'', or other miscellaneous changes made throughout part 800. Therefore, GIPSA will amend 7 CFR part 800 as proposed.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), GIPSA has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Under the provisions of the USGSA, grain exported from the U.S., unless exempted, must be officially inspected and weighed. Mandatory inspection and weighing services are provided by GIPSA at 47 export facilities and by delegated States at 17 facilities, and seven facilities for U.S. grain transshipped through Canadian ports. All of these facilities are owned by multi-national corporations, large cooperatives, or public entities that do not meet the requirements for small entities established by the Small Business Administration (SBA). Furthermore, the USGSA (7 U.S.C. 87f–1) and regulations issued under the USGSA are applied equally to all entities. The USGSA requires the registration of all persons engaged in the business of buying grain for sale in foreign commerce. In addition, those persons who handle, weigh, or transport grain for sale in foreign commerce must also register. Section 800.30 of the USGSA regulations (7 CFR 800.30) defines a foreign commerce grain business as any person who regularly engages in buying for sale, handling, weighing, or transporting grain totaling 15,000 metric tons or more during the preceding or current calendar year. At present, there are 113 registered grain exporters. While most of the 113 registrants are large businesses, we believe that some may be small.

The SBA defines small businesses by their North American Industry Classification System Codes (NAICS).[1] The SBA defines small grain exporters in its regulations (13 CFR 121.201) as entities having less than $7,000,000 in average annual receipts (NAICS code 115114). Small grain exporters that export less than 15,000 metric tons per year are exempt from the mandatory inspection and weighing requirements under § 800.18 of the USGSA regulations (7 CFR 800.18). This ''waiver'' was established to provide economic relief to small grain exporter businesses from inspection and weighing requirements without impairing the objectives of the USGSA.

This final rule will revise the regulations regarding procedures for official export grain inspection and weighing services performed under the authority of the USGSA. The final rule will also amend the USGSA regulations for grain shipped in large reusable containers for export; add new definitions for ''composite'' and ''average'' grades for grain in multiple large reusable containers certified on one certificate; limit the number of large reusable containers that would be averaged or combined in a single lot; restrict the inspection and weighing of large reusable container lots to the official service provider's area of responsibility to align large reusable containers with other shipments of grain; specify a 60-day retention period for file samples representing large reusable container lots; and align weighing certification procedures for large reusable container lots with those for inspection certification procedures.

There will be no additional reporting or record keeping requirements imposed upon either large or small entities as a result of this final rule. GIPSA has not identified any other Federal rules which may duplicate, overlap or conflict with this proposed rule. Given the forgoing discussion, GIPSA has therefore determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the RFA.

Executive Order 12988

This final rule was reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. The USGSA provides in section 87g (7 U.S.C. 87g) that no subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the USGSA. Otherwise, this rule will not preempt any State or local laws, or regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Executive Order 13175

This final rule was reviewed with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. This rule will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the information collection and recordkeeping requirements in Part 800 were approved by Office of Management and Budget under Control No. 0580–0013 on October 23, 2011, and expire October 31, 2014.

E-Government Compliance

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

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, exports, grains, reporting and recordkeeping requirements.

For the reasons set out in the preamble, GIPSA will amend 7 CFR part 800 as follows:

PART 800—GENERAL REGULATIONS

■ 1. The authority citation for part 800 would continue to read as follows:

Authority: 7 U.S.C. 71–87k.

■ 2. Amend § 800.0(b) by removing the numerical paragraph designations (1) through (107) and adding in alphabetical order, definitions for ''average grade'' and ''composite grade'' to read as follows:

§ 800.0 Meaning of terms.

* * * * *

(b) * * *

Average grade. Multiple carrier units or sublots that are graded individually then averaged to form a single lot inspection.

* * * * *

[1] See: *http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf.*

Composite grade. Multiple samples obtained from the same type of carriers (*e.g.,* trucklots, containers) that are combined into one sample for grade to form a single lot inspection.

* * * * *

■ 3. Amend § 800.84 by revising paragraphs (a), (b)(1) and (2), and paragraph (c) introductory text to read as follows:

§ 800.84 Inspection of grain in land carriers, containers, and barges in single lots.

(a) *General.* The inspection of bulk or sacked grain loaded or unloaded from any carrier or container, except shiplot grain, must be conducted in accordance with the provision in this section and procedures prescribed in the instructions. Applicant must provide written instructions to official personnel, reflecting contract requirements for quality and quantity for the inspection of multiple carriers graded on a composite grade or average grade basis.

(b) * * *

(1) *Single grade.* When grain in a carrier(s) is/are offered for inspection as one lot and the grain is found to be uniform in condition, the grain must be sampled, inspected, graded, and certified as one lot. For the purpose of this paragraph, condition only includes the factors heating and odor.

(i) *Composite grade.* Grain loaded in multiple carriers offered for inspection may be combined into a single sample for grade analysis and certified as a single lot, *provided that* the grain in each individual carrier is inspected and found uniform in respect to odor, condition, and insect infestation, and sampling is performed at the individual loading location in a reasonably continuous operation. The maximum number of individual units that may be combined to form a composite grade analysis is 20 containers, 5 railcars, or 15 trucks. Composite analysis must be restricted to carriers inspected within the official service provider's area of responsibility.

(ii) *Average grade.* Grain loaded in multiple carriers offered for inspection may be graded individually, then averaged for certification as a single lot, *provided that:* the grain in each individual carrier is inspected and graded as an individual unit; the grain is found to be uniform in respect to odor, condition, and insect infestation; and sampling is performed at the individual loading location in a reasonably continuous operation. The maximum number of individual units that may be combined to form an average grade analysis is 20 containers, 5 railcars, or 15 trucks. Average grade analysis is restricted to carriers inspected within the official service provider's area of responsibility.

(2) *Multiple grade.* When grain in a carrier is offered for inspection as one lot and the grain is found to be not uniform in condition because portions of the grain are heating or have an odor, the grain in each portion will be sampled, inspected, and graded separately; but the results must be shown on one certificate. The certificate must show the approximate quantity or weight of each portion, the location of each portion in the carrier or container, and the grade of the grain in each portion. The requirements of this section are not applicable when an applicant requests that the grade of the entire carrier be based on a determination of heating or odor when only a portion of the carrier is found to be heating or have an odor.

* * * * *

(c) *One certificate per carrier: exceptions.* Except as provided in this paragraph, one official certificate must be issued for the inspection of the grain in each truck, trailer, truck/trailer(s) combination, container, railcar, barge, or similarly-sized carrier, or composite/average grade analysis on multiple carrier units. The requirements of this paragraph are not applicable:

* * * * *

■ 4. Amend § 800.85 by revising paragraphs (b)(1), (c)(1) and (2), and (h)(4) and (5) to read as follows:

§ 800.85 Inspection of grain in combined lots.

* * * * *

(b) * * *

(1) For inspection during loading, unloading, or at rest. Applications for official inspection of grain as a combined lot must:

(i) Be filed in accordance with § 800.116;

(ii) Show the estimated quantity of grain that is to be certified as one lot;

(iii) Show the contract grade, and if applicable; other inspection criteria required by the contract; and

(iv) Identify each carrier into which grain is being loaded or from which grain is being unloaded.

* * * * *

(c) * * *

(1) *Inspection during loading, or unloading, or at rest.* Grain in two or more land carriers or barges that are to be officially inspected as a combined lot, must be sampled in a reasonably continuous operation. Representative samples must be obtained from the grain in each individual carrier and inspected in accordance with procedures as prescribed in the instructions.

(2) *Recertification.* Grain that has been officially inspected and certified as two or more single, composite, or average quality lots may be recertified as a combined lot provided that:

(i) The grain in each lot was sampled in a reasonably continuous operation;

(ii) The original inspection certificates issued for the single, composite, or average quality lots have been surrendered to official personnel;

(iii) Representative file samples of the single, composite, or average quality lots are available;

(iv) The grain in the single, composite, or average quality lots is of the same grade or better grade and quality than as specified in the written instructions provided by the shipper;

(v) Official personnel who performed the inspection service for the single, composite, or average quality lots and the official personnel who are to recertify the grain as a combined lot must determine that the samples used as a basis for the inspection of the grain in the single, composite, or average quality lots were representative at the time of sampling and have not changed in quality or condition; and

(vi) The quality or condition of the grain meets uniformity requirements established by the Service for official inspection of grain in combined lots.

* * * * *

(h) * * *

(4) *Combined-lot certification; general.* Each official certificate for a combined-lot inspection service must show the identification for the ''combined lot'' or, at the request of the applicant, the identification of each carrier in the combined lot. If the identification of each carrier is not shown, the statement ''Carrier identification available on the official work record'' must be shown on the inspection certificate in the space provided for remarks. The identification and any seal information for the carriers may be shown in the Remarks section on the reverse side of the inspection certificate, provided that the statement ''See reverse side'' is shown on the face of the certificate in the space provided for remarks, or on an additional page.

(5) *Recertification.* If a request for a combined-lot inspection service is filed after the grain has been officially inspected and certified as single, composite, or average quality lots, the combined-lot inspection certificate must show, in addition to the requirements of paragraph (h)(4) of this section the following:

(i) The date of inspection of the grain in the combined lot (if the single,

composite, or average quality lots were inspected on different dates, the latest of the dates must be shown);

(ii) A serial number other than the serial numbers of the official inspection certificates that are to be superseded;

(iii) The location of the grain, if at rest, or the name(s) of the elevator(s) from which or into which the grain in the combined lot was loaded or unloaded;

(iv) A statement showing the approximate quantity of grain in the combined lot;

(v) A completed statement showing the identification of any superseded certificates; and

(vi) If at the time of issuing the combined-lot inspection certificate the superseded certificates are not in the custody of the official personnel, a statement indicating that the superseded certificates have not been surrendered must be clearly shown in the space provided for remarks. If the superseded certificates are in the custody of official personnel, the superseded certificates must be clearly marked ''Void.''

* * * * *

■ 5. Amend § 800.97 by revising paragraphs (b)(1) and (c)(1) to read as follows:

§ 800.97 Weighing grain in containers, land carriers, barges, and shiplots.

* * * * *

(b) * * *

(1) *General.* If grain in a carrier is offered for inspection or weighing service as one lot, the grain must be weighed at the individual weighing location in a reasonably continuous operation and certified as one lot. The identification of the carrier(s) must be recorded on the scale tape or ticket and the weight certificate.

* * * * *

(c) * * *

(1) *Basic requirement.* One official certificate must be issued for the weighing of the grain in each container, truck, trailer, truck/trailer(s) combination, railroad car, barge, or similarly sized carrier. This requirement is not applicable to multiple grain carriers weighed as a single lot or combined lot under § 800.98.

* * * * *

■ 6. Amend § 800.98 by revising paragraphs (b)(1) and (2) and (c)(2) to read as follows:

§ 800.98 Weighing grain in combined lots.

* * * * *

(b) * * *

(1) *Single lot weighing.* (i) Single lots of grain that are to be weighed as a combined lot may be weighed at multiple locations, provided that:

(A) The lots are contained in the same type of carrier; and

(B) Weighing is performed at each individual location in a reasonably continuous operation.

(ii) The grain loaded into or unloaded from each carrier must be weighed in accordance with procedures prescribed in the instructions. In the case of sacked grain, a representative weight sample must be obtained from the grain in each carrier unless otherwise specified in the instructions.

(2) *Recertification.* Grain that has been weighed and certified as two or more single lots may be recertified as a combined lot, provided that the original weight certificates issued for the single lots have been or will be surrendered to the appropriate agency or field office, and the official personnel who performed the weighing service for the single lots and the official personnel who are to recertify the grain as a combined lot determine that the weight of the grain in the lots has not since changed, and in the case of sacked grain, that the weight samples used as a basis for weighing the single lots were representative at the time of the weighing.

* * * * *

(c) * * *

(2) *Recertification.* If a request for a combined-lot Class X or Class Y weighing service is filed after the grain in the single lots has been weighed and certified, the combined-lot weighing certificate must show the following:

(i) The date of weighing the grain in the combined lot (if the single lots were weighed on different dates, the latest dates must be shown);

(ii) A serial number, other than the serial numbers of the weight certificates that are to be superseded;

(iii) The name of the elevator(s) from which or into which the grain in the combined lot was loaded or unloaded;

(iv) A statement showing the weight of the grain in the combined lot;

(v) A completed statement showing the identification of any superseded certificate as follows: ''This combined-lot certificate supersedes certificate Nos. _____, dated _____; and

(vi) If at any time of issuing the combined-lot weight certificate, the superseded certificates are not in the custody of the agency or field office, the statement ''The superseded certificates identified herein have not been surrendered'' must be shown clearly in the space provided for remarks beneath the statement identifying the superseded certificates. If the superseded certificates are in the custody of the agency or field office, the superseded certificates must be clearly marked ''Void.''

* * * * *

■ 7. Amend § 800.152 by revising paragraph (b) to read as follows:

§ 800.152 Maintenance and retention of file samples.

* * * * *

(b) *Minimum retention period.* Upon request by an agency and with the approval of the Service, specified file samples or classes of file samples may be retained for shorter periods of time.

Carrier	In	Out	Export	Other
(1) Trucks	3	5	30	.....
(2) Railcars	5	10	30	.....
(3) Ships & Barges	5	25	90	.....
(4) Ships and Barges (short voyage—5 days or less)	5	25	60	.....
(5) Containers	5	60	60	.....
(6) Bins & Tanks	.....	.....	.....	3
(7) Submitted Samples	.....	.....	.....	3

* * * * *

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2013–17452 Filed 7–19–13; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 920 and 944

[Doc. No. AMS–FV–13–0032; FV13–920–1 IR]

Kiwifruit Grown in California and Imported Kiwifruit; Relaxation of Minimum Grade Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule relaxes the minimum grade requirement under the marketing order for kiwifruit grown in California (order), and for kiwifruit imported into the United States that are shipped to the fresh market, by increasing the tolerance of kiwifruit which is ''badly misshapen'' from 7 percent to 16 percent. The order is administered locally by the Kiwifruit Administrative Committee (Committee). This change is intended to facilitate the packing of fruit to meet the minimum grade requirement of ''KAC No. 1'', and reduce costs associated with re-sorting and repacking this grade of fruit. The change in the import regulation is required under section 8e of the Agricultural Marketing Agreement Act of 1937.

DATES: July 25, 2013; comments received by September 20, 2013 will be considered prior to issuance of a final rule.

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

FOR FURTHER INFORMATION CONTACT: Kathie M. Notoro, Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Kathie.Notoro@ams.usda.gov* or *Martin.Engeler@ams.usda.gov.*

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 920, as amended (7 CFR part 920), regulating the handling of kiwifruit in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

This rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including kiwifruit, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

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

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

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

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

Under the terms of the marketing order, fresh market shipments of California kiwifruit are required to be inspected and are subject to grade, size, maturity, pack, and container requirements. Current requirements include specifications that such shipments be at least Size 45, grade at least KAC No. 1 quality, and contain a minimum of 6.2 percent soluble solids.

This rule relaxes the minimum grade requirement under the definition for KAC No. 1 kiwifruit quality by increasing the tolerance for ''badly misshapen'' fruit from 7 percent to 16 percent. The Committee unanimously recommended these changes at a meeting on March 27, 2013.

Section 920.52 of the order provides, in part, the authority to regulate the handling of kiwifruit and specifically, in paragraph (a)(1), the Secretary may limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of kiwifruit grown in the production area.

Section 920.302 establishes regulations regarding grade, size, pack, and container regulations. Paragraph (a)(1) specifies that the minimum grade be at least KAC No.1 quality and paragraph (b) defines that the term KAC No. 1 quality means kiwifruit that meets the requirements of the U.S. No. 1 grade as defined in the United States Standards for Grades of Kiwifruit (7 CFR 51.2335 through 51.2340) except that the kiwifruit shall be ''not badly misshapen,'' and a tolerance of 7 percent is provided for kiwifruit that is ''badly misshapen,'' and except that all varieties of kiwifruit are exempt from the ''tightly packed'' standard as defined in § 51.2338(a) of the U.S. Standards for Grades of Kiwifruit. The terms fairly uniform in size and diameter mean the same as defined in the U.S. Standards for Grades of Kiwifruit.

At its meeting, the Committee recommended revising paragraph (b) of 920.302 to increase the tolerance for ''badly misshapen'' fruit from 7 percent to 16 percent. ''Badly misshapen fruit'' is defined in the United States

Standards for Kiwifruit as fruit that is so decidedly deformed that its appearance is seriously affected.

Most kiwifruit naturally grow in an ''egg'' shape. A small percentage of fruit develop into a flat, wide, almost square shape. Such fruit, if it is wider than it is tall, is considered to be badly misshapen. Identification of badly misshapen fruit is performed visually during the packing process, and this fruit is manually sorted out by packinghouse employees. The flat/wide fruit is separated from the cylindrical fruit and packed into different boxes so that there is a uniformity of shape within the containers.

However, during the inspection process, badly misshapen fruit is identified using calipers that precisely measure the dimensions of the fruit. Consequently, fruit that appears to meet the grade requirement based on visual observation occasionally fails to meet the requirements when measured with calipers. Containers of packed KAC No. 1 fruit sometimes exceed the tolerance for misshapen fruit by two or three pieces of fruit and are required to be re-sorted and repacked, resulting in increased costs.

The end of season packout by grade for kiwifruit for 2011/12 resulted in 1 percent U.S. Fancy, 94 percent U.S. No. 1, and 5 percent KAC No. 1. Although it accounts for only 5 percent of the industry pack, KAC No. 1 fruit is the most difficult to pack because of the discrepancy between visually identifying misshapen fruit and identifying such fruit with calipers during the inspection process.

Increasing the tolerance for badly misshapen fruit is expected to reduce the incidence of containers of KAC No. 1 fruit failing to meet grade requirements, thereby reducing costs associated with repacking and re-sorting failing fruit. It is also expected to help facilitate and streamline the packing process by avoiding disruptions associated with repacking and re-sorting fruit.

Section 8e of the Act provides that when certain domestically produced commodities, including kiwifruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Since this action would relax the minimum grade requirement by increasing the tolerance of kiwifruit which is ''badly misshapen'' from 7 percent to 16 percent under the domestic handling regulations, a corresponding change to the import regulations must also be considered.

Minimum grade, size, quality, and maturity requirements for kiwifruit imported into the United States are currently in effect under § 944.550 (7 CFR 944.550). Paragraph (a) of this section specifies a tolerance of 7 percent for badly misshapen fruit. This rule would increase the tolerance for imported kiwifruit that is badly misshapen from 7 percent to 16 percent to be consistent with the requirements for California kiwifruit regulated under the order. The increase in the tolerance for imports is expected to reduce the incidence of product that fails to meet the minimum grade requirement of KAC No. 1. This would help reduce costs associated with product that fails to meet import requirements, and would help to facilitate the importation of kiwifruit.

Initial Regulatory Flexibility Analysis

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

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

There are approximately 178 kiwifruit growers subject to regulation under the marketing order and approximately 28 handlers in the production area. There are approximately 53 importers of kiwifruit. Small agricultural service firms, which include kiwifruit handlers and importers, are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts less than $750,000.

The California Agricultural Statistical Service (CASS) reported total California kiwifruit production for the 2011–12 season at 37,700 tons, with an average price of $775 per ton. Based on the average price and shipment information provided by the CASS and the Committee, the majority of kiwifruit handlers would be considered small businesses under the SBA definition. Based on kiwifruit production and price information, as well as the total number of California kiwifruit growers, the average annual grower revenue is less than $750,000. Thus, the majority of California kiwifruit producers may also be classified as small entities. In addition, based on data from the U.S. Census Bureau, Department of Commerce, the value of imported kiwifruit for 50 of the 53 importers was less than $7,000,000. Thus, it can be concluded that the majority of kiwifruit importers may be classified as small entities.

This rule relaxes the minimum grade requirement currently specified in § 920.302 (b) of the regulations under the order by increasing the tolerance for kiwifruit that is ''badly misshapen'' from 7 percent to 16 percent under the definition for KAC No. 1 quality.

This action does not impose any additional costs on the industry. It is expected to reduce costs to handlers and growers of kiwifruit, and to increase efficiencies in the packing process. Containers of packed kiwifruit occasionally fail to meet the minimum grade requirement of KAC No. 1 quality because two or three pieces of misshapen fruit in a container cause the container to exceed the allowable tolerance for such fruit. The fruit in these containers must then be re-sorted and repacked to meet the minimum grade requirement. There are costs associated with re-sorting and repacking. Assuming a labor cost of $8.50 per hour and an estimated time of five to ten minutes to re-sort and repack a container of fruit, the direct additional cost per container of fruit could be up to $1.40. Other costs associated with repacking and re-sorting fruit include employee supervision, and the unstacking and re-stacking of pallets in order to do the work. These latter types of costs are difficult to estimate due to differences in various packing operations. Some of these costs incurred by handlers are passed on to the growers. In addition to these costs, the re-sorting and repacking of fruit causes inefficiencies in the packing process, as packing lines can be interrupted and employees are diverted from other duties to repack fruit.

Increasing the tolerance for misshapen fruit will reduce the amount of product that fails to meet the minimum grade, thus reducing re-sorting and repacking costs and reducing inefficiencies in the packing process.

The quality of fruit to consumers is not expected to be significantly affected. Based on Committee data, 95 percent of kiwifruit under the order is packed to a higher grade standard than the

minimum grade of KAC No.1. Of the 5 percent packed as KAC No.1, only a small percentage of those shipments will be affected by allowing two or three additional misshapen pieces of fruit in the container.

Regarding alternatives to this action, the Committee discussed changing the current parameters for misshapen fruit; from ''fruit that is not wider than tall'' to fruit that is a certain percentage wider than it is tall. This alternative would allow for flatter/wider fruit to be packed than what is currently allowed and would be even more difficult to accurately sort fruit visually. The industry does not want to pack more fruit that is flatter and wider; they want to make it easier to accurately identify and pack the KAC No. 1 grade fruit as it is currently defined. Therefore, the Committee rejected this alternative.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Generic Fruit Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large kiwifruit handlers in California or importers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee meeting was widely publicized throughout the California kiwifruit industry. All interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the March 27, 2013, meeting was a public meeting. All entities, both large and small, were able to express their views on this issue. Also, the embassies of those countries that export fruit to the United States and known kiwifruit importers will be notified of this interim rule upon its publication. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

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

This rule invites comments on relaxing the minimum grade requirements for domestic and imported kiwifruit. Any comments received will be considered prior to finalization of this rule.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this rule.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this interim rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This action relaxes the current minimum grade requirement under the order; (2) this change needs to be in effect by September 15, 2013; (3) the Committee recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects

7 CFR Part 920

Kiwifruit, Marketing agreements.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR parts 920 and 944 are amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR parts 920 and 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In § 920.302, revise paragraph (b) to read as follows:

§ 920.302 Grade, size, pack, and container regulations.

* * * * *

(b) *Definitions.* The term *KAC No. 1 quality* means kiwifruit that meets the requirements of the U.S. No. 1 grade as defined in the United States Standards for Grades of Kiwifruit (7 CFR 51.2335 through 51.2340) except that the kiwifruit shall be ''not badly misshapen,'' and an additional tolerance of 16 percent is provided for kiwifruit that is ''badly misshapen,'' and except that all varieties of kiwifruit are exempt from the ''tightly packed'' standard as defined in § 51.2338(a) of the U.S. Standards for Grades of Kiwifruit. The terms *fairly uniform in size and diameter* mean the same as defined in the U.S. Standards for Grades of Kiwifruit.

* * * * *

PART 944—FRUITS; IMPORT REGULATIONS

■ 3. In § 944.550, revise paragraph (a) to read as follows:

§ 944.550 Kiwifruit import regulation.

(a) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, the importation into the United States of any kiwifruit is prohibited unless such kiwifruit meets all the requirements of a U.S. No. 1 grade as defined in the United States Standards for Grades of Kiwifruit (7 CFR 51.2335 through 51.2340), except that the kiwifruit shall be ''not badly misshapen,'' and an additional tolerance of 16 percent is provided for kiwifruit that is ''badly misshapen,'' and except that such kiwifruit shall have a minimum of 6.2 percent soluble solids. Such fruit shall be at least Size 45, which means there shall be a maximum of 55 pieces of fruit and the average weight of all samples in a specific lot must weigh at least 8 pounds (3.632 kilograms), provided that no individual sample may be less than 7 pounds 12 ounces (3.472 kilograms).

* * * * *

Dated: July 16, 2013.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2013–17462 Filed 7–19–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1222; Directorate Identifier 2012–NM–134–AD; Amendment 39–17505; AD 2013–13–17]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding airworthiness directive (AD) 2011–13–08 for certain Bombardier, Inc. Model DHC–8–400 series airplanes. AD 2011–13–08 required a free-play check for excessive free-play of the shaft swaged bearing installed in the tailstock end of each elevator power control unit (PCU), and replacing any PCU on which the bearing exceeds allowable limits with a serviceable PCU. This new AD adds airplanes to the applicability from that of AD 2011–13–08. This AD was prompted by a determination that additional airplanes are affected by the identified unsafe condition. We are issuing this AD to detect and correct excessive free-play of the swaged bearings, which could lead to excessive airframe vibrations and difficulties in pitch control, and consequent loss of controllability of the airplane.

DATES: This AD becomes effective August 26, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 26, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of August 1, 2011 (76 FR 37253, June 27, 2011).

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

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7318; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on December 4, 2012 (77 FR 71729), and proposed to supersede AD 2011–13–08, Amendment 39–16731 (76 FR 37253, June 27, 2011). Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2010–28R1, dated June 12, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The Mandatory Continuing Airworthiness Information (MCAI) states:

> Several reports have been received on the elevator power control units (PCUs) where the shaft (tailstock) swaged bearing liners had shown a higher than normal rate of wear. Investigation revealed that the excessive wear was due to the paint contamination between the bearing roller and bearing liner. The bearing paint contamination is known to be abrasive and could seize the bearing.
>
> This condition, if not corrected, could lead to excessive airframe vibrations and difficulties in aircraft pitch control.
>
> This [TCCA] directive mandates a free-play check of the shaft swaged bearing installed in the elevator PCU tailstock end and replacement of the shaft swaged bearings if excessive free-play is found.
>
> This [TCCA] AD is revised to amend the applicability for DHC–8 Series 400 aeroplanes.

The unsafe condition is loss of controllability of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Comments

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

Request To Clarify Applicability

Bombardier, Inc. stated that the applicability in the NPRM (77 FR 71729, December 4, 2012) is ''ambiguous.'' Bombardier noted that the applicability specifies a serial number range of airplanes, but the NPRM could be interpreted to apply to those PCUs or bearings installed on the airplane at the time of manufacture. Bombardier added that the preamble and service information sections of the NPRM contribute to this interpretation by citing paint contamination during airplane manufacture as the basis for bearing wear, in addition to the identification of PCUs and bearings by part number. Bombardier stated that the affected airplanes have a production run between the years 2000 and 2010; the PCUs are line replaceable units and could have been removed from an affected airplane and installed on an airplane outside of the serial number range. Bombardier concluded that if the intent of the NPRM is to apply to PCUs installed at the time of airplane manufacture, there are no provisions to account for those PCUs in the NPRM or in the service information.

We infer that the commenter wants clarification of the applicability. We agree to clarify. This AD applies only to those airplanes having serial numbers (S/Ns) 4001 through 4334 inclusive, and 4336, and matches the applicability of Canadian Airworthiness Directive CF–2010–28R1, dated June 12, 2012. Based on the infrequent removal and replacement of single actuators, we have determined it is not necessary to include additional airplanes in the applicability at this time. To alter the applicability to include additional airplanes would require additional rulemaking. We find that delaying this action would be inappropriate in light of the identified unsafe condition. However, we might consider additional rulemaking to address any airplanes that might be identified in the future as having an affected PCU or bearing. We have made no change to this AD in this regard.

Request To Give Credit for Previous Accomplishment of Certain Inspections

Bombardier also stated that maintenance review board (MRB) Task 273000–213, ''Functional Check of the Elevator Free Play,'' was introduced on February 10, 2011, with a 12,000-flight-hour interval. Bombardier added that the NPRM (77 FR 71729, December 4, 2012) contains no provisions for giving credit for inspections accomplished using the MRB task, which applies to all airplanes and addresses excessive elevator free-play, regardless of the source.

We disagree to give credit for previous accomplishment of the free-play inspections using that MRB task because that task does not meet the requirements in this AD. The free-play inspections in this AD must be performed at the required compliance times in accordance with Bombardier Service

Bulletin 84–27–52, dated May 25, 2010; or Revision A, dated March 5, 2012. However, as specified in paragraph (l)(1) of this AD, we might approve a request for an alternative method of compliance for the inspection requirements of this AD if substantiating data supporting the request is provided. We have made no change to the AD in this regard.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD as proposed.

Costs of Compliance

We estimate that this AD affects about 81 products of U.S. registry.

The actions that were required by AD 2011–13–08, Amendment 39–16731 (76 FR 37253, June 27, 2011), and retained in this AD take about 3 work-hours per product, at an average labor rate of $85 per work hour. Based on these figures, the estimated cost of the actions retained from AD 2011–13–08 is $255 per product.

We estimate that it will take about 3 work-hours per product to comply with the new basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators for the added airplanes to be $255 per product.

In addition, we estimate that any necessary follow-on actions will take about 5 work-hours and require parts costing $33, for a cost of $458 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the MCAI, 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.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2011–13–08, Amendment 39–16731 (76 FR 37253, June 27, 2011), and adding the following new AD:

2013–13–17 Bombardier, Inc.: Amendment 39–17505. Docket No. FAA–2012–1222; Directorate Identifier 2012–NM–134–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective August 26, 2013.

(b) Affected ADs

This AD supersedes AD 2011–13–08, Amendment 39–16731 (76 FR 37253, June 27, 2011).

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes; certificated in any category; having serial numbers (S/Ns) 4001 through 4334 inclusive, and 4336.

(d) Subject

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

(e) Reason

This AD was prompted by reports of replacement of several elevator power control units (PCUs) due to worn swaged bearings located in the elevator PCU tailstock. We are issuing this AD to detect and correct excessive free-play of the swaged bearings, which could lead to excessive airframe vibrations and difficulties in pitch control, and consequent loss of 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 Free-Play Check With Revised Service Information

This paragraph restates the requirements of paragraph (g) of AD 2011–13–08, Amendment 39–16731 (76 FR 37253, June 27, 2011), with revised service information. For airplanes identified in paragraph (c) of this AD, except airplanes having S/N 4305 through 4334 inclusive, and 4336: At the applicable time specified in paragraphs (g)(1) and (g)(2) of this AD, perform a free-play check for any shaft swaged bearing having part number (P/N) MS14103–7 that is installed in the tailstock end of each elevator PCU (three PCUs per elevator surface) having P/Ns 390600–1007 and 390600–1009, in accordance with paragraph 3.B., Part A, of Bombardier Service Bulletin 84–27–52, dated May 25, 2010; or Revision A, dated March 5, 2012. As of the effective date of this AD, only Bombardier Service Bulletin 84–27–52, Revision A, dated March 5, 2012, may be used to accomplish the actions required by this paragraph.

(1) For airplanes that have accumulated 8,000 or more total flight hours as of August 1, 2011 (the effective date of AD 2011–13–08, Amendment 39–16731 (76 FR 37253, June 27, 2011)): Within 2,000 flight hours after August 1, 2011 (the effective date of AD 2011–13–08).

(2) For airplanes that have accumulated less than 8,000 total flight hours as of August 1, 2011 (the effective date of AD 2011–13–08, Amendment 39–16731 (76 FR 37253, June 27, 2011)): Within 6,000 flight hours after August 1, 2011 (the effective date of AD 2011–13–08), or before the accumulation of

10,000 total flight hours, whichever occurs first.

(h) Retained Follow-on Action With Revised Service Information

This paragraph restates the requirements of paragraph (h) of AD 2011–13–08, Amendment 39–16731 (76 FR 37253, June 27, 2011), with revised service information. If, during the check required by paragraph (g) of this AD, the bearing free-play is within the limits specified in Bombardier Service Bulletin 84–27–52, dated May 25, 2010, or Revision A, dated March 5, 2012; no further action is required by this AD. As of the effective date of this AD, only Bombardier Service Bulletin 84–27–52, Revision A, dated March 5, 2012, may be used to accomplish the actions required by this paragraph.

(i) Retained Corrective Actions With Revised Service Information

This paragraph restates the requirements of paragraph (i) of AD 2011–13–08, Amendment 39–16731 (76 FR 37253, June 27, 2011), with revised service information. If, during the check required by paragraph (g) of this AD, the bearing free-play exceeds the limits specified in Bombardier Service Bulletin 84–27–52, dated May 25, 2010; or Revision A, dated March 5, 2012: Before further flight, replace the elevator PCU with a serviceable one, in accordance with paragraph 3.B., Part B, of Bombardier Service Bulletin 84–27–52, dated May 25, 2010; or Revision A, dated March 5, 2012. As of the effective date of this AD, only Bombardier Service Bulletin 84–27–52, Revision A, dated March 5, 2012, may be used to accomplish the actions required by this paragraph.

(j) New Free-Play Check

For airplanes having S/N 4305 through 4334 inclusive, and 4336: At the applicable time specified in paragraphs (j)(1) and (j)(2) of this AD, perform a free-play check for any shaft swaged bearing having P/N MS14103–7 that is installed in the tailstock end of each elevator PCU (three PCUs per elevator surface), having P/Ns 390600–1007 and 390600–1009, in accordance with paragraph 3.B., Part A, of Bombardier Service Bulletin 84–27–52, Revision A, dated March 5, 2012.

(1) For airplanes that have accumulated 8,000 or more total flight hours as of the effective date of this AD: Within 2,000 flight hours after the effective date of this AD.

(2) For airplanes that have accumulated less than 8,000 total flight hours as of the effective date of this AD: Within 6,000 flight hours after the effective date of this AD, or before the accumulation of 10,000 total flight hours, whichever occurs first.

(k) New Corrective Actions

During the check required by paragraph (j) of this AD, if the bearing free-play is found to exceed the limits specified in Bombardier Service Bulletin 84–27–52, Revision A, dated March 5, 2012: Before further flight, replace the elevator PCU with a serviceable one, in accordance with paragraph 3.B., Part B, of Bombardier Service Bulletin 84–27–52, Revision A, dated March 5, 2012.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(m) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2010–28R1, dated June 12, 2012, for related information, which can be found in the AD docket on the Internet at *http://www.regulations.gov.*

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on August 26, 2013.

(i) Bombardier Service Bulletin 84–27–52, Revision A, dated March 5, 2012.

(ii) Reserved.

(4) The following service information was approved for IBR on August 1, 2011 (76 FR 37253, June 27, 2011).

(i) Bombardier Service Bulletin 84–27–52, dated May 25, 2010.

(ii) Reserved.

(5) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(6) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on June 21, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–17210 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0204; Directorate Identifier 2012–NM–229–AD; Amendment 39–17510; AD 2013–14–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–400 and 747–400F series airplanes. This AD was prompted by reports of cracking in the outboard flange of the longeron extension fittings, which attach to the wing-to-body fairing support frame. This AD requires repetitive inspections of the longeron extension fittings for cracking, and corrective actions if necessary. We are issuing this AD to detect and correct cracks in the longeron extension fittings, which can become large and adversely affect the structural integrity of the airplane.

DATES: This AD is effective August 26, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of August 26, 2013.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this 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: Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *Nathan.P.Weigand@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The NPRM published in the **Federal Register** on March 7, 2013 (78 FR 14731). The NPRM proposed to require repetitive inspections of the longeron extension fittings for cracking, and corrective actions if necessary.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (78 FR 14731, March 7, 2013) and the FAA's response to each comment.

United Airlines (UAL) did not have any technical comments regarding the NPRM (78 FR 14731, March 7, 2013).

Request to Change Applicability

UPS and Virgin Atlantic Airways (VIR) stated that airplane line numbers 1199 through 1419 inclusive are included in the effectivity of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, and that the applicability of the NPRM (78 FR 14731, March 7, 2013) includes airplane line numbers 1076 through 1419 inclusive. The commenters noted that Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, does not provide inspection or repair instructions for airplanes with line numbers prior to 1199. UPS requested that paragraph (c), ''Applicability,'' in the NPRM be revised to match the effectivity included in the Boeing service information. We infer that VIR made the same request.

Boeing requested that changes be made to paragraph (c), ''Applicability,'' and paragraph (i)(3), ''Exceptions to Service Bulletin Specifications,'' of the NPRM (78 FR 14731, March 7, 2013), in regard to the applicability. Boeing noted that line number 1076, included in paragraph (c), ''Applicability,'' does not align with any production line changes and the line numbers should be changed from 1076 through 1419 inclusive to 1097 through 1419 inclusive.

Boeing stated that paragraph (i)(3) of the NPRM (78 FR 14731, March 7, 2013) should be revised to clearly define the applicable airplanes because, as written, it could be interpreted to include more than the appropriate airplanes. Boeing requested that paragraph (i)(3) of the NPRM be revised to state ''For airplanes not identified in Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, but are included in paragraph (c) of this AD: These airplanes are in Group 1 of the subject service bulletin for the purposes of this AD and are required to do the applicable actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012.''

We agree with Boeing's position regarding paragraphs (c) and (i)(3) of this final rule. We had conservatively established the applicability as starting at line number 1076 based on the information available at the time the NPRM (78 FR 14731, March 7, 2013) was issued. Since that time, Boeing has determined that the manufacturing change started at line number 1097. Boeing advised that Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, will be revised and the effectivity in that service bulletin will be changed to start with line number 1097. Based on this information, we revised paragraph (c) in this final rule to include line numbers 1097 through 1419 inclusive. We revised paragraph (i)(3) in this final rule to include text similar to that proposed by Boeing.

We do not agree with UPS and VIR that the applicability of this final rule should match the effectivity in Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012. As stated previously, Boeing advised us that Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, will be revised and the effectivity in the revised service bulletin will start with line number 1097. We have not changed this final rule in this regard.

Request to Clarify the Difference in the Line Numbers Between the Service Information and the NPRM (78 FR 14731, March 7, 2013)

Boeing requested changes to the Discussion section of the NPRM (78 FR 14731, March 7, 2013) to clarify the differences between the airplane line numbers (1199 through 1419 inclusive) identified in Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, and the airplane line numbers (1076 through 1419 inclusive) identified in paragraph (c) of the NPRM (78 FR 14731, March 7, 2013). Boeing stated that, after the release of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, a crack was reported on airplane line number 1101 and that the longeron extension fitting had been redesigned at line number 1097.

Boeing suggested that the text ''. . . Subsequent analysis by Boeing indicated that the cracks were caused by fatigue combined with preload stress from improper fit-up during assembly. A manufacturing process change that began at line number 1199 might have resulted in preloading the longeron extension fittings . . .'' be changed to ''Subsequent review by Boeing has shown that the reported cracking correlates with this design change made at line number 1097.''

We agree that the suggestions made by Boeing provide a more accurate description of how the affected line numbers were determined; however, this information is not restated in the Discussion section of this final rule, so no change is needed. The line numbers were changed from 1076 through 1419 inclusive to 1097 through 1419 inclusive in paragraph (c), ''Applicability,'' of this final rule, as explained previously.

Concern Regarding Parts Availability

UAL stated that Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, does not include price and supply data for replacement longeron fittings. UAL asked if operators are expected to fabricate these replacement fittings. UAL noted that, if operators do not have the capabilities to fabricate fittings, it could be difficult for those operators to get parts.

We acknowledge the commenter's concern regarding the availability of replacement longeron fittings. Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, lists other available options as alternatives to replacing longeron extension fittings. The availability of required parts was considered when developing the compliance time for this AD. We have

contacted Boeing regarding parts availability and Boeing responded that parts are available. Longeron extension fittings are a one piece forging and operators are not expected to fabricate these fittings. We have not changed this final rule in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously—and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 14731, March 7, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 14731, March 7, 2013).

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

Costs of Compliance

We estimate that this AD affects 41 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
High frequency eddy current inspection for cracking in longeron extension fittings.	32 work-hours × $85 per hour = $2,720, per inspection cycle.	$0	$2,720	$111,520, per inspection cycle.
Option to do preventative modification instead of repetitive inspections.	479 work-hours × $85 per hour = $40,715.	0	40,715	$1,669,315.

We estimate the following costs to do any necessary replacements that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	464 work-hours × $85 per hour = $39,440	$0	$39,440

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, 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

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2013–14–05 The Boeing Company: Amendment 39–17510; Docket No. FAA–2013–0204; Directorate Identifier 2012–NM–229–AD.

(a) Effective Date

This AD is effective August 26, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–400 and 747–400F series airplanes, certificated in any category, line numbers 1097 through 1419 inclusive.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracking in the outboard flange of the longeron extension fittings, which attach to the wing-to-body fairing support frame. We are issuing this AD to detect and correct cracks in the longeron extension fittings, which can become large and adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Inspection of Longeron Extension Fitting

For all airplanes: Except as required by paragraphs (i)(1) and (i)(4) of this AD, at the time specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, do a surface high frequency eddy current (HFEC) inspection of the left and right longeron extension fittings for cracking, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, except as required by paragraphs (i)(2) and (i)(3) of this AD. Do all applicable corrective actions before further flight. If no cracking is found, repeat the inspection thereafter at the intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, until a permanent repair, longeron extension fitting replacement, or preventative modification is done, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012.

(h) Inspection of Temporary Repair and Corrective Actions

For airplanes on which a temporary repair as specified in Boeing Alert Service Bulletin 747–53A2860 has been done: At the times specified in table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, do a surface HFEC inspection of the temporary repair of the longeron extension fittings for cracking, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, except as required by paragraph (i)(3) of this AD. Do all applicable corrective actions before further flight.

(i) Exceptions to Service Information

(1) Where Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, specifies a compliance time relative to the issue date of that service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, specifies to contact Boeing for repair information: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(3) For airplanes not identified in Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, but included in paragraph (c) of this AD: These airplanes are in Group 1 for the purposes of this AD. This AD requires that the applicable actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, be accomplished on these airplanes.

(4) Where Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, specifies ''all airplanes,'' this means all airplanes identified in paragraph (c) of this AD.

(j) Optional Terminating Action

Doing the permanent repair, longeron extension fitting replacement, or preventative modification, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, terminates the repetitive inspections required by paragraph (g) of this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(l) Related Information

For more information about this AD, contact Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *Nathan.P.Weigand@faa.gov*.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*.

(4) You may view this 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.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Renton, Washington, on June 25, 2013.

Jeffrey E. Duven,

Acting Manager, Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–17137 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0206; Directorate Identifier 2012–NM–068–AD; Amendment 39–17507; AD 2013–14–02]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 727 airplanes. This AD was prompted by reports of spanwise cracks and corrosion in the wing center box upper skin and rear spar upper chord between left buttock line (LBL) 70.50 and right buttock line (RBL) 70.50 at body station (STA) 870. This AD requires repetitive inspections of the wing center box for cracking around certain fastener rows on the rear spar upper chord horizontal flange; for certain airplanes, repetitive inspections for cracking of the rear spar upper chord radius; for certain other airplanes, repetitive inspections for damage, cracking, and corrosion of the pressure

seal; and repair if necessary. We are issuing this AD to detect and correct cracking and corrosion of the upper skin and rear spar upper chord of the wing center box, which could result in loss of the airplane wing and consequent loss of control of the airplane.

DATES: This AD is effective August 26, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of August 26, 2013.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.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 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: Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6577; fax: (425) 917–6590; email: *berhane.alazar@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The NPRM published in the **Federal Register** on March 12, 2013 (78 FR 15658). The NPRM proposed to require repetitive inspections of the wing center box for cracking around certain fastener rows on the rear spar upper chord horizontal flange; for certain airplanes, repetitive inspections for cracking of the rear spar upper chord radius; for certain other airplanes, repetitive inspections for damage, cracking, and corrosion of the pressure seal; and repair if necessary.

Comments

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

Supportive Comments

Boeing stated that it supports the NPRM (78 FR 15658, March 12, 2013).

FedEx stated that the requirements proposed in the NPRM (78 FR 15658, March 12, 2013) would fit within the planned scheduled maintenance check and not impact fleet availability or span-time of the planned scheduled maintenance check.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 15658, March 12, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 15658, March 12, 2013).

Costs of Compliance

We estimate that this AD affects 98 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	67 work-hours × $85 per hour = $5,695 per inspection cycle.	$0	$5,695 per inspection cycle.	$558,110 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

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

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2013–14–02 The Boeing Company: Amendment 39–17507 ; Docket No. FAA–2013–0206; Directorate Identifier 2012–NM–068–AD.

(a) Effective Date

This AD is effective August 26, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of spanwise cracks and corrosion in the wing center box upper skin and rear spar upper chord between left buttock line (LBL) 70.50 and right buttock line (RBL) 70.50 at body station (STA) 870. We are issuing this AD to detect and correct cracking and corrosion of the upper skin and rear spar upper chord of the wing center box, which could result in loss of the airplane wing and consequent loss of control of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

Except as specified in paragraph (h) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 727–57–0187, dated March 8, 2012: Inspect the wing center box between LBL 70.50 and RBL 70.50, at STA 870, as specified in paragraphs (g)(1), (g)(2), (g)(3), (g)(4), and (g)(5) of this AD, as applicable, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727–57–0187, dated March 8, 2012. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 727–57–0187, dated March 8, 2012. If any crack, corrosion, or damage is found during any inspection required by this AD, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(1) Do a high frequency eddy current (HFEC) or detailed inspection for cracking around the forward fastener row in the rear spar upper chord horizontal flange.

(2) Do a low frequency eddy current inspection for cracking around the aft fastener row in the rear spar upper chord horizontal flange.

(3) Do a detailed or HFEC inspection for cracking in the rear spar upper chord radius.

(4) Do a detailed or HFEC inspection for cracking in the upper skin around the forward fastener row common to the rear spar upper chord horizontal flange.

(5) Do a detailed inspection for damage, cracking, and corrosion in the pressure seal.

(h) Exception to the Service Information

Boeing Special Attention Service Bulletin 727–57–0187, dated March 8, 2012, specifies compliance times ''after the original issue date of this service bulletin.'' However, this AD requires compliance within the specified compliance times ''after the effective date of this AD.''

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

For more information about this AD, contact Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6577; fax: (425) 917–6590; email: *berhane.alazar@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the **Federal Register** approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Special Attention Service Bulletin 727–57–0187, dated March 8, 2012.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at 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.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on June 21, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–16927 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0213; Directorate Identifier 2012–NM–207–AD; Amendment 39–17512; AD 2013–14–07]

RIN 2120–AA64

Airworthiness Directives; Learjet Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Learjet Inc. Model 45 airplanes. This AD was prompted by a report that the fire barrier seal on the external baggage door does not seal the surrounding door structure due to incorrect positioning of the barrier. This AD requires modifying the fire seal on the baggage door, including doing inspections of the fire seal for correct contact and corrective action if necessary. We are issuing this AD to prevent improper sealing of the baggage door, which could increase the risk of an uncontained fire in the baggage compartment.

DATES: This AD is effective August 26, 2013.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of August 26, 2013.

ADDRESSES: For service information identified in this AD, contact Learjet,

Inc., One Learjet Way, Wichita, KS 67209–2942; telephone 316–946–2000; fax 316–946–2220; email *ac.ict@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this 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: Adam Neubauer, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; phone: 316–946–4156; fax: 316–946–4107; email: *adam.neubauer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The NPRM published in the **Federal Register** on March 27, 2013 (78 FR 18529). The NPRM proposed to require modifying the fire seal on the baggage door, including doing inspections of the fire seal for correct contact and corrective action if necessary.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 18529, March 27, 2013) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed.

Costs of Compliance

We estimate that this AD affects 342 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	11 work-hours × $85 per hour = $935	$453	$1,388	$474,696

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

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2013–14–07 Learjet Inc.: Amendment 39–17512; Docket No. FAA–2013–0213; Directorate Identifier 2012–NM–207–AD.

(a) Effective Date

This AD is effective August 26, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Learjet Model 45 airplanes, certificated in any category; serial numbers 45–002 through 45–380 inclusive, 45–382 through 45–396 inclusive, 45–398 through 45–405 inclusive, 45–2001 through 45–2114 inclusive, 45–2116, 45–2118, 45–2120, 45–2122, and 45–2124 through 45–2126 inclusive.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 25: Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by a report that the fire barrier seal on the external baggage door does not seal the surrounding door structure due to incorrect positioning of the barrier. We are issuing this AD to prevent improper sealing of the baggage door, which could increase the risk of an uncontained fire in the baggage compartment.

(f) Compliance

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

(g) Modification

Within 300 flight hours after the effective date of this AD: Modify the fire seal on the baggage door, including doing general visual inspections of the fire seal for correct contact and all applicable corrective actions, in accordance with the Accomplishment Instructions of Bombardier Recommended Service Bulletin 40–25–25 or Bombardier Recommended Service Bulletin 45–25–35, both Revision 3, both dated February 6, 2012, as applicable. Do all applicable corrective actions before further flight.

(h) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the applicable service information specified in paragraphs (h)(1), (h)(2), (h)(3), and (h)(4) of this AD (which are not incorporated by reference in this AD):

(1) Bombardier Service Bulletin 40–25–25, Revision 1, dated August 23, 2010.

(2) Bombardier Service Bulletin 40–25–25, Revision 2, dated February 21, 2011.

(3) Bombardier Service Bulletin 45–25–35, Revision 1, dated August 23, 2010.

(4) Bombardier Service Bulletin 45–25–35, Revision 2, dated February 21, 2011.

(i) Parts Installation Limitation

As of the effective date of this AD, no person may install any part identified in paragraph 2.B., ''Identification Table,'' of Bombardier Recommended Service Bulletin 40–25–25 or Bombardier Recommended Service Bulletin 45–25–35, both Revision 3, both dated February 6, 2012, on any airplane, unless the actions specified in paragraph (g) of this AD are done concurrently with the installation.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

(k) Related Information

(1) For more information about this AD, contact Adam Neubauer, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; phone: 316–946–4156; fax: 316–946–4107; email: *adam.neubauer@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference in this AD may be obtained at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Bombardier Recommended Service Bulletin 40–25–25, Revision 3, dated February 6, 2012.

(ii) Bombardier Recommended Service Bulletin 45–25–35, Revision 3, dated February 6, 2012.

(3) For service information identified in this AD, contact Learjet, Inc., One Learjet Way, Wichita, KS 67209–2942; telephone 316–946–2000; fax 316–946–2220; email *ac.ict@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(4) You may view this 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.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–16929 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0299; Directorate Identifier 2012–NM–072–AD; Amendment 39–17508; AD 2013–14–03]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 727 airplanes. This AD was prompted by reports of cracks on the elevator rear spar stiffener assembly. This AD requires repetitive detailed inspections for cracking of the elevator rear spar stiffener assembly, and corrective actions if necessary. We are issuing this AD to detect and correct cracking of the elevator rear spar stiffener assembly, which could adversely affect elevator structural stiffness, which could lead to elevator vibration and possible interference with the tab control rod. These conditions could result in flutter and consequent loss of control of the airplane.

DATES: This AD is effective August 26, 2013.

The Director of the **Federal Register** approved the incorporation by reference of a certain publication listed in the AD as of August 26, 2013.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.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 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: Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *berhane.alazar@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The NPRM published in the **Federal Register** on April 11, 2013 (78 FR 21569). The NPRM proposed to require

repetitive detailed inspections for cracking of the elevator rear spar stiffener assembly.

Comments

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

Supportive Comments

Boeing stated that it supports the NPRM (78 FR 21569, April 11, 2013).

FedEx stated that the requirements proposed in the NPRM (78 FR 21569, April 11, 2013) would fit within the planned scheduled maintenance check and not impact fleet availability or span-time of the planned scheduled maintenance check.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 21569, April 11, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 21569, April 11, 2013).

Costs of Compliance

We estimate that this AD affects 98 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	5 work-hours × $85 per hour = $425 per inspection cycle.	None	$425 per inspection cycle.	$41,650 per inspection cycle

We estimate the following costs to do any necessary replacements that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	7 work-hours × $85 per hour = $595	Unknown	$595

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

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2013–14–03 The Boeing Company: Amendment 39–17508 ; Docket No. FAA–2013–0299; Directorate Identifier 2012–NM–072–AD.

(a) Effective Date

This AD is effective August 26, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by reports of cracks on the elevator rear spar stiffener assembly. We are issuing this AD to detect and correct cracking of the elevator rear spar stiffener assembly, which could adversely affect elevator structural stiffness, which could lead to elevator vibration and possible interference with the tab control rod. These conditions could result in elevator flutter and consequent loss of control of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Actions

Except as provided by paragraph (h) of this AD, at the applicable time specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 727–55–0094, dated March 21, 2012, do a detailed inspection for any cracking of the elevator rear spar stiffener assembly, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727–55–0094, dated March 21, 2012. Do all applicable corrective actions before further flight. Repeat the inspection thereafter at the applicable time specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 727–55–0094, dated March 21, 2012, except as provided by paragraph (j) of this AD.

(h) Exception to the Service Information

Where Boeing Special Attention Service Bulletin 727–55–0094, dated March 21, 2012, specifies a compliance time ''from the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(i) Optional Replacement

Replacing the elevator rear spar stiffener assembly with a new assembly in accordance with Part 4 or 5, as applicable, of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727–55–0094, dated March 21, 2012, terminates the inspections required by paragraph (g) of this AD for that assembly, except as required by paragraph (j) of this AD.

(j) Post-Replacement Inspection Compliance Time

For any elevator rear spar stiffener assembly replaced as required by paragraph (g) of this AD or as specified in paragraph (i) of this AD: Do the next inspection required by paragraph (g) of this AD for that assembly within 96 months after accomplishing the replacement and repeat thereafter at the times specified in paragraph (g) of this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(l) Related Information

For more information about this AD, contact Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *berhane.alazar@faa.gov*.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Special Attention Service Bulletin 727–55–0094, dated March 21, 2012.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at FAA, 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.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on June 21, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–16930 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0966; Airspace Docket No. 12–AWA–5]

RIN 2120–AA66

Modification of Class B Airspace; Las Vegas, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Las Vegas, NV, Class B airspace area to ensure the containment of large turbine-powered aircraft within Class B airspace, reduce air traffic controller workload, and reduce the potential for midair collision in the Las Vegas, NV, terminal area.

DATES: Effective Date: 0901 UTC, August 22, 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: Paul Gallant, Airspace Policy and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On October 26, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify the Las Vegas, NV, Class B airspace area (77 FR 65332). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal.

By letter dated December 7, 2012, the Aircraft Owners and Pilots Association (AOPA) requested that the FAA extend the comment period for at least 30 days. AOPA stated that the original comment period encompassed two Federal holiday periods and that no comments had been posted to the docket as of the date of their letter. The FAA determined that reopening of the comment period was consistent with the public interest. On January 14, 2013, the FAA published in the **Federal Register** a notice reopening the comment period until February 13, 2013 (78 FR 2646).

The Aircraft Owners and Pilots Association (AOPA) and six individuals responded to the NPRM comment periods. The FAA considered all

comments received before making a determination on this final rule.

Discussion of Comments

Increasing the Class B Ceiling From 9,000 Feet MSL to 10,000 Feet MSL

AOPA commented that the higher ceiling would decrease Visual Flight Rules (VFR) pilots' ability to overfly the Class B airspace thus requiring them to circumnavigate the area.

The FAA acknowledges AOPA's concern, but believes the impact to general aviation to be minimal. With the 9,000-foot ceiling, in order to transition the Class B, general aviation pilots on westerly headings must: Receive clearance through Class B airspace; climb to 10,500 feet and overfly Class B; or circumnavigate the area. Raising the ceiling to 10,000 feet will only affect flights on easterly headings that prior to this rule overflew the airspace at 9,500 feet. If the pilot does not obtain Class B services at 9,500 feet, the aircraft can still overfly Class B at 11,500 feet or circumnavigate as they did previously.

AOPA also disagreed with the FAA's position that the higher ceiling is needed to reduce the number of Traffic Alert and Collision Avoidance System (TCAS) alerts between Las Vegas arrivals and aircraft transiting on VOR Federal airways V–21 and V–394. Instead, AOPA suggested that the Class B ceiling be raised only where needed, or that routes available for transition on those airways be altered.

The 9,000-foot MSL ceiling allows overflight of the Class B at 9,500 feet MSL. The FAA provided data during the development of Class B airspace modification that clearly identifies conflicts between the two airways and the arrival/departure procedures utilized at Las Vegas. If a general aviation aircraft is operating on the airway at 9,500 feet, and not communicating with ATC, the controller must take action to avoid any conflicts. Furthermore, when the controller has to stop an aircraft arrival above the VFR aircraft, the arrival aircraft has to come off its profile descent. This is also critical when a westbound departure's climb must be stopped below a VFR aircraft at 9,500 feet, or the departure must be vectored to avoid the nonparticipating traffic. The Minimum Vectoring Altitude (MVA) in this area is 10,000 feet MSL. The controller must then vector the aircraft around the V–394 traffic to gain altitude before directing the departure aircraft to resume its own navigation. Raising the ceiling to 10,000 feet MSL will allow profile descents to continue unimpeded, or allow ATC to approve and separate V–394 traffic from the profile descent aircraft. Departure procedures will also benefit from the higher ceiling.

Regarding the suggestion to raise the Class B ceiling only in selected areas, the Ad Hoc Committee considered that alternative and opined that raising the ceiling in that manner will add complexity to the airspace design. The FAA agrees to investigate alternative transitions through Class B for VFR aircraft. This was also discussed at length during the Ad Hoc Committee meetings. However, the FAA believes the Class B airspace must be modified first to fully evaluate transition routes.

AOPA questioned the FAA's statement in the NPRM that the increased ceiling height would provide more airspace for controllers to accomplish sequencing, later application of speed control, and would make the airspace easier for VFR pilots to identify. AOPA believes such an expansion of Class B airspace substantially would decrease flexibility, efficiency, and safety for general aviation aircraft operating outside of the Class B boundaries. Piston powered aircraft are significantly impacted by density altitude constraints. Any increase to the Las Vegas Class B ceiling height will limit the number of aircraft able to climb over the Class B, and will substantially increase the time, expense, and fuel required in doing so.

The FAA understands the Class B modifications will have impact on all users of the airspace, but we strive to minimize the impacts as much as possible. This policy was followed throughout the entire modernization process, and overall, the FAA believes that raising the ceiling from 9,000 feet MSL to 10,000 feet MSL has the least impact.

Another commenter claimed that the FAA chose to ignore advice from the Ad Hoc Committee regarding general aviation access to the airspace between 9,000 and 10,000 feet.

The Ad Hoc Committee could not reach consensus on the ceiling height issue. An Ad Hoc Committee meeting was held specifically to discuss the ceiling height, and after much discussion, four of the seven members voted to raise the ceiling. It was therefore submitted as a Committee recommendation to raise the ceiling to 10,000 feet.

One commenter stated that increasing the Class B ceiling to 10,000 MSL limits Sport Pilot operations transitioning the Las Vegas Valley, in that Sport pilots would be forced to fly low around the edges of the lower Class B shelves and closer to hazardous mountainous terrain.

Considering that the primary purpose of Class B airspace is to reduce the potential for midair collisions, the FAA acknowledges that under this rule, there will be some impact to airspace users. Title 14 CFR parts 61 and 91 provide guidance for sport pilots. Section 61.315 limits sport aircraft operations to a maximum of 10,000 feet MSL or 2,000 feet AGL, which ever is higher. Under that limitation, those sport pilot flights that transition today from the northeast to the southwest are already required to transition the area either by requesting Class B clearance or circumnavigating the Class B. Therefore, the effect of raising the ceiling from 9,000 to 10,000 feet MSL will only impact those who previously flew over the Class B airspace at 9,500 feet MSL from west to east.

One commenter stated that the Class B airspace configuration should not cause the surrounding air traffic to be put in greater danger of collision with each other and the terrain. The commenter added that, when departing south, southwest, and west, especially at night, terrain clearance under area G is inadequate. The commenter maintained that, even with Class B clearance, controllers tend to keep a pilot too low. The commenter said that trying to accommodate all possible approaches and departures within Class B airspace should not be at the expense of real safety concerns.

The FAA disagrees. On the contrary, the issue of raising the ceiling and any added risks that might be introduced by such action was thoroughly discussed during ad hoc committee and the public informal airspace meetings. The floor of Area G remains unchanged at 5,000 feet MSL. The FAA's proposal to modify Class B is driven by safety concerns about the potential for a midair collision if changes are not made in the Las Vegas Valley. Data has shown that if the airspace is modified as was proposed, the potential of a midair collision is reduced. FAA directives require that instrument procedures be contained within Class B airspace for the very purpose of reducing that potential. The FAA agrees that an added level of safety can be achieved by developing VFR transition routes in and around the valley, however such routes cannot be designed until the final Class B airspace configuration is determined.

Need for Transition Routes or Corridors Through the Las Vegas Valley

AOPA requested the establishment of a VFR transition route to allow easier access through the Class B, adding that

the route should be located to allow routine and consistent availability.

The FAA agrees and has taken action outside the scope of this rulemaking action to develop transition routes through the valley. After the Class B airspace modifications are complete, the FAA will be able to better evaluate possible transition routes.

A commenter contended that the FAA failed to add RNAV terminal routes as requested by stakeholders.

The FAA disagrees. With any major airspace change, a baseline must be provided before specific routings can be determined. This is especially true in the Las Vegas Valley with its many constraints of terrain, close airport proximity, and special use airspace. In the case of this airspace modification project and its many challenges, all routes could not be developed prior to final airspace approval. One of the earliest challenges preventing us from developing the routes was that the Class B is too compressed to handle the traffic volume. While the above constraints limit the available options for establishing terminal routings, we will be able to further examine the issue once the Class B modification takes effect.

A commenter raised concerns about Area F and Area G (near Cottonwood Pass and Columbia Pass). Expanding Area G farther northwest at 5,000 feet MSL, and lowering the altitude of Area F to 7,000 feet MSL constricts VFR traffic that are transitioning southwest from North Las Vegas airport and attempting to remain clear of the LAS Class B and the mountainous terrain. Accidents have occurred in that area when ATC was unable to service VFR transitions through the Class B and aircraft were instructed to ''remain clear of Class B,'' especially at night. The lower Area F floor also condenses the airspace available for flight training.

The FAA understands that modifications in this area will impact general aviation and has met several times with local general aviation users to mitigate some of that impact. Previously, the LAS Class B did not fully contain instrument procedures in Class B airspace, in particular Area F. This particular area is heavily used for instrument operations at McCarran International Airport and by the Jean Airport glider community. It has been identified as a high risk potential for a midair collision. This is one area where the FAA needs to reduce that potential by developing transition routes. In its preliminary design, the FAA proposed to lower the floor of Area F to 6,000 feet MSL. The Ad Hoc Committee recommended the floor be set at 7,500 feet MSL. The FAA determined that the floor could be raised to 7,000 feet MSL but could not be raised any higher in order to contain the ILS approach serving Runway 1L at Las Vegas McCarran.

Complexity of the Class B Design

A commenter wrote that the FAA failed to accept an ad hoc committee recommendation to harmonize most area boundaries.

On the contrary, the FAA worked closely with the Ad Hoc Committee to adjust subarea boundaries to make the design as accommodating as possible for other users of the airspace. FAA Class B airspace design guidance calls for simplification of the airspace area configuration, and that the area must be designed to contain all instrument procedures within Class B airspace. However, the unique geography of the Las Vegas Valley, combined with the close proximity of several busy airports and special use airspace, created challenges in designing a Class B airspace area that fully meets both the simplification and containment requirements.

The FAA accepted most of the Ad Hoc Committee recommendations; however, not all recommendations could be fully adopted due to the requirement to contain instrument procedures within Class B airspace. The design of some areas, such as Area F and Area O, was determined by the configuration of instrument approach procedures into LAS and the need to contain those procedures within Class B airspace. As examples, Area C experienced a high Class B excursion rate for aircraft landing from the east and the Ad Hoc Committee agreed with lowering that floor. On the left downwind to Runway 25, ATC is required to have the aircraft in position to intercept the ILS glideslope at or below the glideslope altitude of 5,000 feet MSL. The eastbound profiles for the procedures previously kept aircraft contained in Class B to 6,000 feet MSL. By slightly aligning the boundaries of Areas A, B, and E, the FAA was able to capture the flight tracks within the Class B surface area. However, Area S was designed to contain instrument procedures and the holding pattern at the Boulder City VOR in the Class B. This precluded the use of a common boundary to define Areas B, D, P and S.

A more detailed discussion of the Ad Hoc Committee's recommendations for the design of various Class B subareas, and the FAA's responses, can be found in the NPRM.

Amendment of Area Floors

A commenter stated that the Las Vegas Class B airspace is already complicated, even for a skilled pilot familiar with the Las Vegas area. The airspace changes make it impossible to navigate for a less experienced VFR pilot new to Las Vegas airspace, especially in reduced visibility; and these changes make the airspace available only to IFR operations. The commenter contended that the proposed design creates various hazards for general aviation aircraft operating in the area. As a solution, the commenter suggested raising the floors of Areas C, F and O.

The floor of Area F is needed to contain approaches into LAS and cannot be raised. Area C has shown a high Class B excursion rate for aircraft landing from the east, and the ad hoc committee agreed to lower its floor. Area O also is designed to contain procedures.

Another commenter asked if a 7,000 foot MSL floor in Area F is needed for the ILS Runway 1L approach to LAS, or if the portion of Area F can kept at 8,000 feet MSL northwest, of and aligned with the 210R (M), proposed for Area R. The commenter said this would allow greater terrain clearance for VFR departures from the valley to the southwest along the Cottonwood and Columbia passes.

Area F was carefully considered in the airspace design phase, and several revisions were made prior to the design submitted for rulemaking. The FAA attempted to keep Area F aligned as much as feasible to simplify the design for the general aviation user. In discussion with local soaring club users at Jean Airport, Areas F and R were again re-defined, offering some relief to the impact that lowering the floor of Area F and adding the new Area R would have on their operation.

The commenter added that raising the floor of Class B for Area T is good for terrain avoidance for aircraft transitioning from KVGT to KHND and 0L7 (Jean Airport). However, the commenter believed it creates potential airspace violations for aircraft to descend back below 4,500 feet northbound or 5,000 feet southbound. The commenter suggested that the Area T boundaries be aligned with the proposed 255° radial (M) of Area G and with the Area I 280° radial (M).

Area T was derived from Ad Hoc Committee discussions proposing to raise the Class B floor west of LAS to at least 5,500 feet MSL to provide additional terrain clearance. However, the northern boundary of Area T could

not be extended further due to interference with the STAAV Departure Procedure. Similarly, the southern Area T boundary could not be extended further into Area G because that airspace is needed to contain aircraft descending for the ILS Runway 25L and 25R approaches and to contain the SHEAD departure procedure.

A commenter said that lowering the floor of Area F and creating the new Area R makes the VFR Rocks Route more challenging when flying north into KVGT. The commenter suggested that the floor of Area I be raised from 4,500 to 5,000 feet to accommodate southwest departures from KVGT. Currently departures from KVGT are limited to under 4,500 feet and less than 200 degrees heading forcing steep climbs after exiting the Class B to get over southbound terrain which rises to 7,000–8,000 feet. Another commenter who regularly departs/arrives KHND to the southwest calls the proposed lowering of Area F floor from 8,000 to 7,000 feet unacceptable. He said that to clear the sharply rising terrain now, he flies as close as possible to the 5,000′ floor, and starts an aggressive climb the moment he's clear of that restriction and then continues climbing typically to 10,500 feet, just avoiding the 8,000′ floor. He said the onboard terrain warning often alerts during this departure. He stated that the return trip is similar and he sets the onboard terrain warning to 7,400 feet to clear the mountains between Sky Ranch and Goodsprings. He said that the 7,000′ floor will eliminate his primary corridor. He expressed similar concerns about the new subareas P and S.

The FAA, in collaboration with the Ad Hoc Committee, mitigated the impact of Areas F and R on general aviation users. Area F is amended, and Area R is added, to support a straight-in segment to the ILS 1L approach and the development of RNAV GPS/RNP approaches to Runways 1L and 1R. These areas are procedure criteria driven, and their base altitudes are the highest possible to meet that criteria. In an effort to further mitigate the impact of lowering the floors of these areas, we are going to establish VFR transition routes to assist in clearing terrain and segregating from these approach procedures, however this will be a separate project outside the scope of the Class B modification rule.

A commenter wrote that eastbound departures and westbound arrivals into KVGT are more challenging due to lowered floors in areas C, D, O and P, and being squeezed between Nellis AFB and McCarran traffic, and challenging terrain. This commenter added that high terrain allows little room to maneuver and avoid sudden changes in fast moving aircraft operating in/out of Nellis AFB. The commenter believes that changes present significant safety issues for general aviation traffic departing and arriving into KVGT during the day, with unacceptable risks at night. The commenter contended that this will discourage general aviation fight operations into KVGT for servicing such as Lone Mountain Aviation.

The FAA understands the need for relief from terrain and other airspace constraints and will evaluate all areas in the Las Vegas Valley where VFR transition routes would assist pilots and controllers in conducting traffic management in and out of KVGT. The FAA disagrees with the second half of this comment. Safety protocols are available to the general aviation user by the use of suggested VFR flyways identified on the Flyway Chart if the pilot chooses not to request Class B services.

One commenter proposed that published instrument procedures be altered to contain them within the Class B rather than expanding the airspace.

The FAA assesses the feasibility of amending existing routes and procedures prior to requesting an airspace modification. Instrument procedures are designed based on standard criteria to ensure safe flight. These criteria include factors such as flyability, obstruction clearance, navigation aid guidance parameters, etc. Little leeway is available to alter the design criteria. In the case of various procedures serving LAS, the design criteria preclude altering the procedures to remain within the existing Class B airspace. As discussed above, FAA directives require that all instrument procedures be contained within Class B airspace in order to reduce the potential for midair collisions in the terminal area. Since aircraft are currently exiting the Class B while flying the procedures, it is necessary to amend the airspace to contain those aircraft.

Denial of Class B Services to VFR Aircraft

Three commenters stated that VFR aircraft are regularly denied entry into the Las Vegas Class B airspace area. Consequently, VFR pilots are required to fly around, under or above the Class B.

Class B service for VFR aircraft is an ''additional service'' that ATC provides, subject to certain limitations. Higher priority duties (such as preventing collision between aircraft operating in the system) and other circumstances may prevent the provision of additional services at certain times. Recognizing the above conditions, the provision of additional services is not optional on the part of the controller, but rather is required when the work situation permits. Therefore, the decision to approve or deny requests from VFR pilots to operate in Class B airspace is based on controller workload, operational limitations and traffic conditions.

With the above guidelines in mind, VFR access to Las Vegas Class B airspace is limited by numerous factors. The runway configurations and IFR departure and arrival routings to each of the four current configurations at LAS preclude a standard for approving Class B transitions. In two of the four configurations, the potential to transition over the top of LAS is not available due to departure and arrival procedures and this option in the other two configurations is based solely on sector capacity and IFR overflight traffic. Transitions at higher altitudes (6,500 to 9,500 ft.) again are based on traffic volume from the west and southwest routes. Furthermore, the proximity of HND to the Runway 1L/R final approach courses and Runway 19 L/R departure courses impacts ATC ability to provide Class B service during times of moderate to heavy arrival or departure demand. The same applies with the proximity of VGT to the Runway 19L/R final approach courses and the Runway 1L/R departure courses. The FAA concurs that the few available VFR charted routings are insufficient to cover every aspect of the LAS operation. With the implementation of the new Class B, FAA has committed to meet with the community and user groups to develop additional charted VFR transition routes through the airspace. These routes will be built based on GPS technology and, in many cases, be configuration specific to meet the needs of the users and ATC.

NPRM Class B Chart

One person noted that the chart published with the NPRM appeared to show two Area T's. On that chart, the letter designator for the area around North Las Vegas Airport (Area I) did not print clearly and appeared to be a ''T.'' This has been corrected in the chart attached to this rule. The individual descriptions of Areas I and T as published in the NPRM are correct.

Differences From the NPRM

Minor corrections to the latitude/longitude coordinates have been added in the description of Areas D,G, I and P. This is the result of more accurate digital plotting of the airspace.

The Rule

The FAA is amending Title 14 of the Code of Federal Regulations (14 CFR) part 71 by modifying the Las Vegas, NV, Class B airspace area. This action (depicted on the chart in Figure 1—Modification of the Las Vegas, NV Class B Airspace Area) modifies the lateral and vertical limits of the Class B airspace to ensure the containment of large turbine-powered aircraft and enhance safety in the Las Vegas terminal area. This action modifies each of the original 15 subareas (A through O) and adds five new areas (P through T). The Class B lateral limits are expanded in several areas. To the east of LAS, Area P extends the outer Class B limit from 25 NM out to 30 NM between the 115°and 132° radials. On the southeast, Area S moves the 20 NM radius to 30 NM between the 115° and 132° radials. To the south, in Area R, the 20 NM radius changes to 23 NM between the 188° and 225° radials. To the southwest in Area G, a small segment extends from the 10 NM out to 20 NM bounded by the 240° radial.

This action also raises the ceiling of the entire Class B airspace area from 9,000 feet MSL to 10,000 feet MSL. The specific Class B subarea modifications are outlined below. All subareas extend upward from the specified altitude to 10,000 feet MSL.

Area A. Area A extends upward from the surface. The southern boundary of the area, in the vicinity of Henderson Executive Airport (HND), is modified by moving the boundary that lies west of HND from the 180° radial to the 185° radial. This provides more airspace for operations at HND. In addition, the southeast corner of Area A is shifted from the 115° radial to the 119° radial to ensure containment of aircraft joining the ILS Runway 25L and 25R approaches.

Area B. The floor of Area B remains at 4,500 feet MSL. The southern boundary of the area moves from the 115° radial to the 119° radial, with a segment along the 16-mile arc in order to retain aircraft in Class B airspace as they descend to capture the ILS Runway 25L or 25R localizer.

Area C. The floor of Area C is lowered from 6,500 feet to 6,000 feet MSL. The southern boundary is moved from the 125° radial to the 083° radial. On the east, the 20-mile arc is moved out to the 22-mile arc. These changes ensure that aircraft are kept in Class B airspace and still allow for a stabilized approach to runways 19L and 19R. The FAA determined that not all of the Area C airspace must be lowered to 6,000 feet MSL. Therefore, Area C is reduced in size by shifting that portion south of the 083° radial into Area D with a floor of 6,500 feet MSL.

Area D. Area D is reconfigured by lowering the floor from 8,000 feet MSL to 6,500 feet MSL, resetting the boundaries between the 16- and 22-mile arcs instead of the 20- and 25-mile arcs and incorporating a portion of Area C, as described above. The changes support SUNST and KEPEC RNAV arrivals being vectored to intercept the Runway 25L localizer.

Area E. The floor of Area E remains at 6,000 feet MSL. The boundary is moved from the 115° radial to the 119° radial. This change is required to contain aircraft descending to the proper altitude to capture the ILS approach for Runway 25L or 25R.

Area F. The floor of Area F is lowered from 8,000 feet MSL to 7,000 feet MSL and the eastern boundary is shifted from the 125° radial to the 185° radial. This change contains aircraft that currently exit Class B airspace on the ILS Runway 1L approach.

Area G. The floor of Area G remains at 5,000 feet MSL. The boundary segment currently along the 235° radial is moved to the 240° radial and the segment defined by the 295° radial is shifted to the 255° radial. The remaining segment between the 255° radial and the 295° radial is redesignated as a new Area T, described below. These changes allow aircraft to remain within Class B airspace while descending for the ILS Runway 25L or 25R approaches and to contain the SHEAD Departure Procedure.

Area H. The floor of Area H remains at 4,000 feet MSL. The northern boundary moves from the 295° radial to the 310° radial and the southern boundary moves from the 180° radial to the 185° radial. The 185° radial aligns with previously described area modifications, while the 310° boundary extends the 4,000-foot Class B floor slightly northward (into the current Area I) to provide separation from the STAAV departure procedure.

Area I. The floor of Area I remains at 4,500 feet MSL, but a small segment in the southern corner of Area I is transferred into Area H (with its 4,000-foot MSL floor) as described above.

Area J, Area K, Area L, Area M and Area N. The only change to these areas is raising the ceiling from 9,000 feet MSL to 10,000 feet MSL.

Area O. The floor of Area O is lowered to 7,000 feet MSL instead of the current 8,000 feet MSL. In addition, the boundaries are realigned between the 22- and 25-mile arcs from the 046° radial clockwise to the 083° radial. These changes ensure the containment of arrivals executing the Runway 25L ILS approach, the GRNPA RNAV Arrival and aircraft being vectored from the east to land on Runways 19L and 19R.

Area P. This is a new subarea with a floor of 8,000 feet MSL. It extends from the 060° radial clockwise to the 115° radial and bounded on the east by the 30-mile arc and on the west by Areas D and O. Area P provides containment for four RNAV arrival procedures.

Area Q. This is a new subarea with a floor of 8,000 feet MSL. It lies between the 15- and 20-mile arcs from the 132° radial clockwise to the 185° radial. It consists of airspace currently in the eastern half of Area F. Area Q contains aircraft being vectored from the southeast to a point where they are turned north for a straight-in approach.

Area R. Area R is a new subarea with a floor of 8,000 feet MSL. It expands Class B airspace from the 20-mile arc out to the 23-mile arc, between the 188° radial clockwise to the 225° radial. Area R ensures the containment of aircraft being vectored for the ILS Runway 1L approach.

Area S. Area S is a new area with a floor of 7,000 feet MSL. It is located southeast of LAS between the 15- and 27-mile arcs and between the 115° and 132° radials. The area is required to ensure containment of operational procedures into LAS.

Area T. Area T is a new area with a floor of 5,500 feet MSL. Area T lies west of LAS between the 8- and 10-mile arcs, and the 255° and the 295° radials. This area is taken from a portion of the existing Area G. (Area T was derived from Ad Hoc Committee discussions proposing to raise the floor of the Class B west of LAS to at least 5,500 feet MSL to provide additional airspace for terrain clearance and flight above populated areas for general aviation operations).

In addition to the above, this action updates the McCarran International Airport reference point (ARP); the Henderson Executive Airport name and ARP; and the North Las Vegas Airport name and ARP to reflect the current information in the FAA's National Airspace System Resource database.

All radials in this rule are expressed in degrees relative to True North.

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.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there is no new information collection requirement associated with this rule.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the costs and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows:

In conducting these analyses, the FAA has determined that this final rule:

(1) Imposes minimal incremental costs and provides benefits,

(2) Is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866,

(3) Is not significant as defined in DOT's Regulatory Policies and Procedures;

(4) Will not have a significant economic impact on a substantial number of small entities;

(5) Will not have a significant effect on international trade; and

(6) Will not impose an unfunded mandate on state, local, or tribal governments, or on the private sector by exceeding the monetary threshold identified.

These analyses are summarized below.

This final rule modifies the Las Vegas, NV, Class B airspace area to ensure the containment of large turbine-powered aircraft within Class B airspace, reduce controller workload and reduce the potential for midair collision in the Las Vegas terminal area. This final rule modifies the original subareas, adds new subareas and raises the ceiling of the entire Class B airspace from 9,000 feet MSL to 10,000 feet MSL.

This final rule will result in safety benefits and increased operational efficiencies. This rule enhances safety by reducing the number of Class B excursions and consequently reducing air traffic controller workload and radio frequency congestion. By expanding the Class B area where aircraft are subject to certain operating rules and equipment requirements this rule also reduces the potential for midair collisions and possibly reduces TCAS advisories by as much as 25%. The modification of the class B airspace area provides operation advantages as well, such as allowing more airspace for controllers to accomplish sequencing and reducing the need for controllers to vector LAS arrivals and departures to avoid nonparticipating traffic.

As described in the NPRM, the FAA expects that the costs of the final rule may include the necessity for some VFR traffic to travel alternative routes. However these alternative routes are not expected to be appreciably longer than the routes with the previous airspace design. This is expected to result in minimal cost overall, does not require the updating of materials outside the normal update cycle, and does not require the rerouting of IFR traffic.

The FAA received no comments on the FAA's request for comments on the minimal cost determination. Therefore the FAA has determined that this final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

In the Initial Regulatory Flexibility Analysis, the FAA determined that the proposed rule would improve safety and efficiency by redefining Class B airspace boundaries and would impose only minimal costs because it would not require rerouting of IFR traffic, could possibly cause some VFR traffic to travel alternative routes that are not expected to be appreciably longer than with the current airspace design, and would not require updating of materials outside the normal update cycle. Therefore, the expected outcome would be a minimal economic impact on small entities affected by this rulemaking action.

The FAA requested comments on this determination but received no comments on small entity considerations.

Therefore, the FAA Administrator certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the

Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA assessed the potential effect of this proposed rule in the NPRM and determined that it would have no effect on international trade. The FAA received no comments on this determination.

Therefore, the FAA has determined that this final rule will have no impact on international trade.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $143.1 million in lieu of $100 million. This final rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

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 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 3000 Subpart B—Class B Airspace.

* * * * *

AWP NV B Las Vegas, NV

McCarran International Airport (Primary Airport)
(Lat. 36°04′48″ N., long. 115°09′08″ W.)
Las Vegas VORTAC
(Lat. 36°04′47″ N., long. 115°09′35″ W.)
Henderson Executive Airport
(Lat. 35°58′22″ N., long. 115°08′04″ W.)
North Las Vegas Airport
(Lat. 36°12′39″ N., long. 115°11′40″ W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 020° radial at 15 DME (lat. 36°18′54″ N., long. 115°03′14″ W.); thence along a line direct to the Las Vegas VORTAC 033° radial at 20 DME (lat. 36°21′34″ N., long. 114°56′ 06″ W.); thence northeast along that radial to the 25 DME point (lat. 36°25′46″ N., long. 114°52′43″ W.); thence clockwise along the 25 DME arc to the Las Vegas VORTAC 046° radial (lat. 36°22′08″ N., long. 114°47′19″ W.); thence southwest along that radial, to the 10 DME point (lat. 36°11′44″ N., long. 115°00′42″ W.); thence clockwise along the 10 DME arc to the Las Vegas VORTAC 119° radial (lat. 35°59′ 55″ N., long. 114°58′49″ W.); thence west along a line direct to the Las Vegas VORTAC 185° radial at 4.4 DME (lat. 36°00′24″ N., long. 115°10′04″ W.); thence south along that radial to the 6 DME point (lat. 35°58′48″ N., long. 115°10′14″ W.); thence clockwise along the 6 DME arc to (lat. 36°10′19″ N., long. 115°12′29″ W.); thence counterclockwise along the 2.4-mile radius arc of North Las Vegas Airport to lat. 36°12′04″ N., long. 115°08′47″ W.; thence north along the Las Vegas VORTAC 005° radial to 15 DME (lat. 36°19′45″ N., long. 115°07′58″ W.); thence clockwise along the 15 DME arc to the point of beginning.

Area B. That airspace extending upward from 4,500 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 046° radial at 10 DME, (lat. 36°11′44″ N., long 115°00′42″ W.); thence northeast along that radial to 15 DME (lat. 36°15′12″ N., long. 114°56′15″ W.); thence clockwise along the 15 DME arc to the Las Vegas VORTAC 083° radial (lat. 36°06′35″ N., long. 114°51′13″ W.); thence east along that radial to 16 DME (lat. 36°06′43″ N., long. 114°49′59″ W.); thence clockwise along the 16 DME arc to the Las Vegas VORTAC 115° radial (lat. 35°57′59″ N., long. 114°51′43″ W.); thence northwest along that radial to 15 DME (lat. 35°58′25″ N., long. 114°52′50″ W.); thence clockwise along the 15 DME arc to the Las Vegas VORTAC 119° radial (lat. 35°57′29″ N., long. 114°53′26″ W.); thence northwest along that radial to 10 DME (lat. 35°59′55″ N., long. 114°58′49″ W.); thence counterclockwise along the 10 DME arc to the point of beginning.

Area C. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 046° radial at 15 DME (lat. 36°15′12″ N., long. 114°56′15″ W.); thence northeast along that radial to 22 DME (lat. 36°20′04″ N., long.114°50′00″ W.); thence clockwise along the 22 DME arc to the Las Vegas VORTAC 083° radial (lat. 36°07′25″ N., long. 114°42′38″ W.); thence northwest along that radial to 15 DME (lat. 36°06′35″ N., long. 114°51′13″ W.); thence counterclockwise along the 15 DME arc to the point of beginning.

Area D. That airspace extending upward from 6,500 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 083° radial at 16 DME (lat. 36°06′43″ N., long. 114°49′59″ W.); thence northeast along that radial to 23 DME (lat. 36°07′32″ N., long. 114°41′24″ W.); thence clockwise along the 23 DME arc to the Las Vegas VORTAC 115° radial (lat. 35°55′00″ N., long. 114°43′55″ W.); thence west along that radial to 16 DME (lat. 35°57′59″ N., long. 114°51′43″ W.); thence counterclockwise along the 16 DME arc to the point of beginning.

Area E. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 119° radial at 10 DME (lat. 35°59′55″ N., long. 114°58′49″ W.); thence southeast along that radial to 15 DME (lat. 35°57′29″ N., long. 114°53′26″ W.); thence clockwise along the 15 DME arc to the Las Vegas VORTAC 185° radial (lat. 35°49′49″ N., long. 115°11′12″ W.); thence north along that radial to 10 DME (lat. 35°54′48″ N., long. 115°10′40″ W.); thence counterclockwise along the 10 DME arc to the point of beginning.

Area F. That airspace extending upward from 7,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 185° radial at 15 DME (lat. 35°49′49″ N., long. 115°11′12″ W.); thence south along that radial to 20 DME (lat. 35°44′50″ N., long. 115°11′44″ W.); thence clockwise along the 20 DME arc to the Las Vegas VORTAC 235° radial (lat. 35°53′16″ N., long. 115°29′45″ W.); thence northeast along that radial to 15 DME (lat. 35°56′09″ N., long. 115°24′43″ W.); thence counterclockwise along the 15 DME arc to the point of beginning.

Area G. That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 119° radial at 10 DME (lat. 35°59′55″ N., long. 114°58′49″ W.); thence clockwise along the 10 DME arc to the Las Vegas VORTAC 185° radial (lat. 35°54′48″ N., long. 115°10′40″ W.); thence south along that radial to 15 DME (lat. 35°49′49″ N., long. 115°11′12″ W.); thence clockwise along the 15 DME arc to the Las Vegas 240° radial (lat. 35°57′15″ N., long. 115°25′35″ W.); thence northeast along that radial to 10 DME (lat. 35°59′46″ N., long.

115°20′16″ W.); thence clockwise along the 10 DME arc to the Las Vegas VORTAC 255° radial (lat. 36°02′11″ N., long. 115°21′30″ W.); thence east along that radial to 8 DME (lat. 36°02′42″ N., long. 115°19′07″ W.); thence counterclockwise along the 8 DME arc to the Las Vegas VORTAC 185° radial (lat. 35°56′48″ N., long. 115°10′27″ W.); thence north along that radial to the Las Vegas VORTAC 185° radial at 4.4 DME (lat. 36°00′24″ N., long. 115°10′04″ W.); thence east along a line direct to the point of beginning.

Area H. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas 310° radial at 8 DME (36°09′56″ N., long. 115°17′09″ W.); thence southeast along that radial to 6 DME (lat. 36°08′39″ N., long. 115°15′16″ W.); thence counterclockwise along the 6 DME arc to the Las Vegas VORTAC 185° radial (lat. 35°58′48″ N., long. 115°10′14″ W.); thence south along that radial to 8 DME (lat. 35°56′48″ N., long. 115°10′27″ W.); thence clockwise along the 8 DME arc to the point of beginning.

Area I. That airspace extending upward from 4,500 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 310° radial at 6 DME (lat. 36°08′39″ N., long. 115°15′16″ W.); thence northwest along that radial to 8 DME (lat. 36°09′56″ N., long. 115°17′09″ W.); thence counterclockwise along the 8 DME arc to the Las Vegas VORTAC 295° radial (lat. 36°08′10″ N., long. 115°18′32″ W.); thence northwest along that radial to 10 DME (lat. 36°09′00″ N., long. 115°20′47″ W.); thence clockwise along the 10 DME arc to lat. 36°14′10″ N., long.115°13′52″ W.; thence northwest along US Highway 95 to lat. 36°15′04″ N., long. 115°14′28″ W.; thence clockwise along the Las Vegas VORTAC 11 DME arc to the Las Vegas VORTAC 005° radial (lat. 36°15′45″ N., long. 115°08′24″ W.); thence south along the Las Vegas VORTAC 005° radial to lat. 36°12′04″ N., long. 115°08′47″ W.; thence clockwise along the 2.4-mile radius arc of the North Las Vegas Airport to lat. 36°10′19″ N., long. 115°12′29″ W.; thence counterclockwise along the Las Vegas VORTAC 6 DME arc to the point of beginning.

Area J. That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 005° radial at 11 DME (lat. 36°15′45″ N., long. 115°08′24″ W.); thence north along that radial to 15 DME (lat. 36°19′45″ N., long. 115°07′58″ W.); thence counterclockwise along the 15 DME arc to US Highway 95 (lat. 36°18′22″ N., long. 115°17′31″ W.); thence southeast along US Highway 95 to the 11 DME arc (lat. 36°15′04″ N., long. 115°14′28″ W.); thence clockwise along the 11 DME arc to the point of beginning.

Area K. That airspace extending upward from 6,500 feet MSL to and including

10,000 feet MSL within an area beginning at the intersection of U.S. Highway 95 and the Las Vegas VORTAC 15 DME arc (lat. 36°18′22″ N., long. 115°17′31″ W.); thence northwest along U.S. Highway 95 to intersect the Las Vegas VORTAC 20 DME arc (lat. 36°22′11″ N., long. 115°21′49″ W.); thence clockwise along the 20 DME arc to the Las Vegas VORTAC 033° radial (lat. 36°21′34″ N., long. 114°56′06″ W.); thence via a line direct to the Las Vegas VORTAC 020° radial at 15 DME (lat. 36°18′54″ N., long. 115°03′14″ W.); thence counterclockwise along the 15 DME arc to the point of beginning.

Area L. That airspace extending upward from 7,500 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the Las Vegas VORTAC 033° radial at 36 DME (lat. 36°34′59″ N., long. 114°45′15″ W.); thence southwest along that radial to 20 DME (lat. 36°21′34″ N., long. 114°56′06″ W.); thence counterclockwise along the 20 DME arc to U.S. Highway 95 (lat. 36°22′11″ N., long. 115°21′49″ W.); thence direct to the Las Vegas VORTAC 005° radial at 36 DME (lat. 36°40′42″ N., long. 115°05′41″ W.); thence clockwise along the 36 DME arc to the point of beginning.

Area M. That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 033° radial at 30 DME (lat. 36°29′57″ N., long. 114°49′19″ W.); thence clockwise along the 30 DME arc to the Las Vegas VORTAC 046° radial (lat. 36°25′36″ N., long. 114°42′51″ W.); thence southwest along that radial to 25 DME (lat. 36°22′08″ N., long. 114°47′19″ W.); thence counterclockwise along the 25 DME arc to the Las Vegas VORTAC 033° radial (lat. 36°25′46″ N., long. 114°52′43″ W.); thence northeast along that radial to the point of beginning.

Area N. That airspace extending upward from 7,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 033° radial at 36 DME (lat. 36°34′59″ N., long. 114°45′15″ W.); thence clockwise along the 36 DME arc to the Las Vegas VORTAC 046° radial (lat. 36°29′45″ N., long. 114°37′28″ W.); thence southwest along that radial to 30 DME (lat. 36°25′36″ N., long. 114°42′51″ W.); thence counterclockwise along the 30 DME arc to the Las Vegas VORTAC 033° radial (lat. 36°29′57″ N., long. 114°49′19″ W.); thence northeast along that radial to the point of beginning.

Area O. That airspace extending upward from 7,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 046° radial at 25 DME (lat. 36°22′08″ N., long. 114°47′19″ W.); thence clockwise along the 25 DME arc to the Las Vegas VORTAC 083° radial (lat. 36°07′46″ N., long. 114°38′57″ W.); thence west along that radial to 22 DME (lat. 36°07′25″ N., long. 114°42′38″ W.); thence counterclockwise along the 22 DME arc to the Las Vegas VORTAC 046° radial (lat. 36°20′04″ N., long 114°50′00″ W.); thence northeast along that radial to the point of beginning.

Area P. That airspace extending upward from 8,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 060° radial at 25 DME (lat. 36°17′15″ N., long. 114°42′48″ W.); thence northeast along that radial to 30 DME (lat. 36°19′44″ N., long. 114°37′26″ W.); thence clockwise along the 30 DME arc to the Las Vegas VORTAC 115° radial (lat. 35°52′00″ N., long. 114°36′08″ W.); thence northwest along that radial to 23 DME (lat. 35°55′00″ N., long. 114°43′55″ W.); thence counterclockwise along the 23 DME arc to the Las Vegas VORTAC 083° radial (lat. 36°07′32″ N., long. 114°41′24″ W.); thence east along that radial to 25 DME (lat. 36°07′46″ N., long. 114°38′57″ W.); thence counterclockwise along the 25 DME arc to the point of beginning.

Area Q. That airspace extending upward from 8,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 132° radial at 15 DME (lat. 35°54′43″ N., long. 114°55′52″ W.); thence southeast along that radial to 20 DME (lat. 35°51′21″ N., long. 114°51′18″ W.); thence clockwise along the 20 DME arc to the Las Vegas VORTAC 185° radial (lat. 35°44′50″ N., long. 115°11′44″ W.); thence north along that radial to 15 DME (lat. 35°49′49″ N., long. 115°11′12″ W.); thence counterclockwise along the 15 DME arc to the point of beginning.

Area R. That airspace extending upward from 8,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at Las Vegas VORTAC 188° radial at 20 DME (lat. 35°44′57″ N., long. 115°13′00″ W.); thence south along that radial to 23 DME (lat. 35°41′58″ N., long. 115°13′31″ W.); thence clockwise along the 23 DME arc to the Las Vegas VORTAC 225° radial (lat. 35°48′28″ N., long. 115°29′35″ W.); thence northeast along that radial to 20 DME (lat. 35°50′36″ N., long. 115°26′59″ W.); thence counterclockwise along the 20 DME arc to the point of beginning.

Area S. That airspace extending upward from 7,000 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 115° radial at 15 DME (lat. 35°58′25″ N., long. 114°52′50″ W.); thence southeast along that radial to 27 DME (lat. 35°53′18″ N., long. 114°39′28″ W.); thence clockwise along the 27 DME arc to the Las Vegas VORTAC 132° radial (lat. 35°46′39″ N., long. 114°44′56″ W.); thence northwest along that radial to 15 DME (lat. 35°54′43″ N., long. 114°55′52″ W.); thence counterclockwise along the 15 DME arc to the point of beginning.

Area T. That airspace extending upward from 5,500 feet MSL to and including 10,000 feet MSL within an area bounded by a line beginning at the Las Vegas VORTAC 255° radial at 8 DME (lat. 36°02′42″ N., long. 115°19′07″ W.); thence west along that radial to 10 DME (lat. 36°02′11″ N., long. 115°21′30″ W.); thence clockwise along the 10 DME arc to the Las Vegas VORTAC 295° radial (lat. 36°09′00″ N., long. 115°20′47″ W.); thence southeast along that radial to 8 DME (lat. 36°08′10″ N., long. 115°18′32″ W.); thence counterclockwise along the 8 DME arc to the point of beginning.

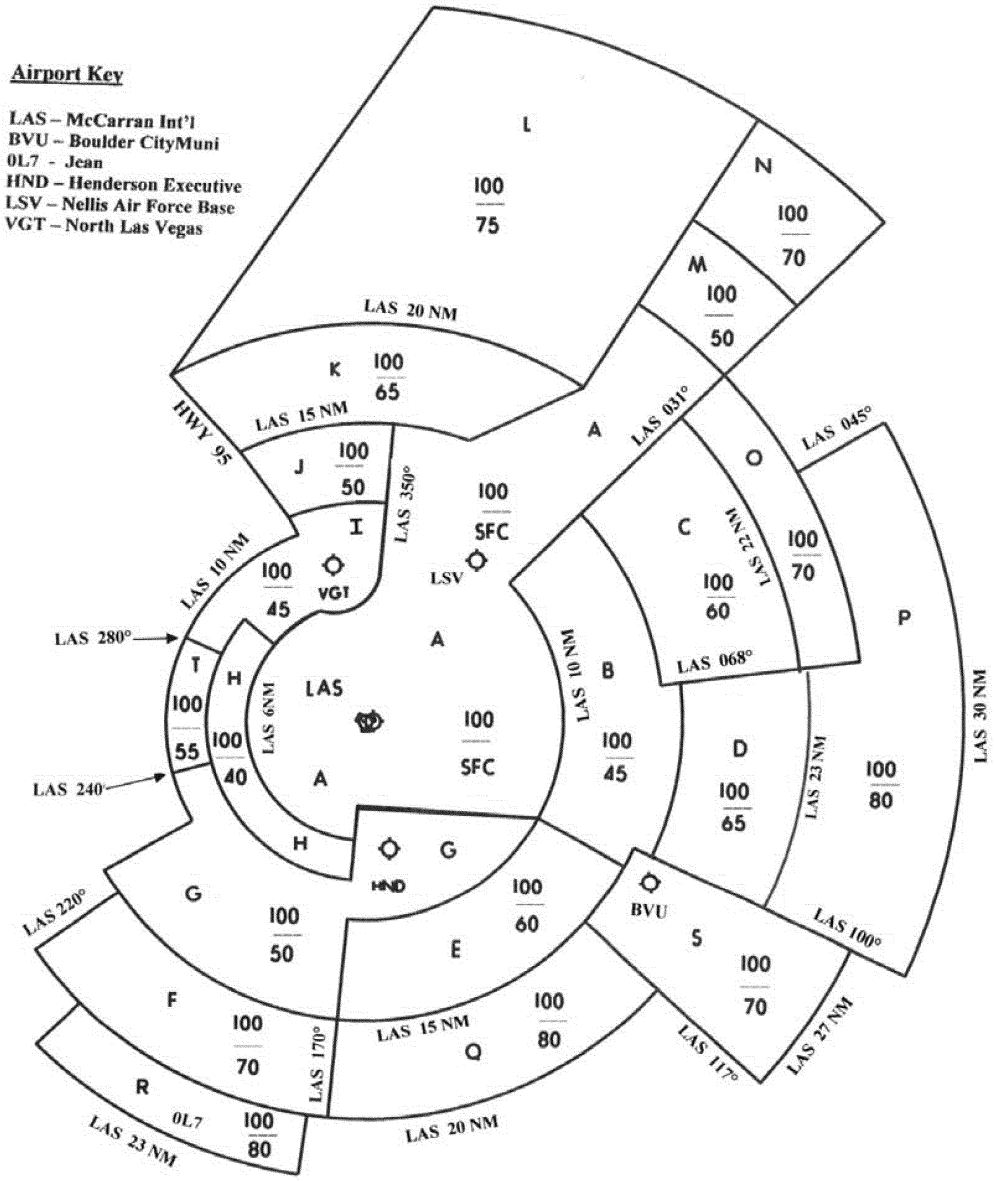
Issued in Washington, DC, on July 10, 2013.

Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

Figure 1

Modification of the LAS VEGAS, NV Class B Airspace Area (Docket No. 12-AWA-5)



INFORMATION ONLY – NOT FOR NAVIGATION

[FR Doc. 2013–17477 Filed 7–19–13; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30910; Amdt. No. 3545]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective July 22, 2013. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 22, 2013.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

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

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on July 5, 2013.

John Duncan,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * *Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
8/22/13	NC	Hickory	Hickory Rgnl	3/1240	7/2/13	VOR/DME RWY 24, Orig-B
8/22/13	KY	Paducah	Barkley Rgnl	3/6221	7/2/13	RNAV (GPS) RWY 4, Orig-A
8/22/13	KY	Paducah	Barkley Rgnl	3/6222	7/2/13	RNAV (GPS) RWY 22, Orig-B
8/22/13	KY	Paducah	Barkley Rgnl	3/6223	7/2/13	VOR/DME RWY 22, Amdt 6
8/22/13	KY	Paducah	Barkley Rgnl	3/6224	7/2/13	ILS OR LOC RWY 4, Amdt 10
8/22/13	KY	Paducah	Barkley Rgnl	3/6225	7/2/13	VOR RWY 4, Amdt 18
8/22/13	NC	New Bern	Coastal Carolina Regional	3/7541	7/2/13	VOR RWY 22, Amdt 3
8/22/13	NJ	Teterboro	Teterboro	3/8651	7/2/13	ILS OR LOC RWY 6, Amdt 29F
8/22/13	GA	Savannah	Savannah/Hilton Head Intl	3/8966	7/2/13	RNAV (GPS) Z RWY 28, Amdt 2
8/22/13	NY	Norwich	LT Warren Eaton	3/9290	7/2/13	RNAV (GPS) RWY 19, Orig
8/22/13	NJ	Millville	Millville Muni	3/9811	7/2/13	RNAV (GPS) RWY 14, Orig-B

[FR Doc. 2013–17411 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30909; Amdt. No. 3544]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective July 22, 2013. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of July 22, 2013.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

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

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 7.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and

textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—-(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule '' under DOT Regulatory 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on July 5, 2013.

John Duncan,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 22 August 2013

Allakaket, AK, Allakaket, Takeoff Minimums and Obstacle DP, Amdt 2
Gustavus, AK, Gustavus, RNAV (GPS) RWY 29, Amdt 2
Juneau, AK, Juneau Intl, JUNEAU FIVE, Graphic DP
Juneau, AK, Juneau Intl, LDA X RWY 8, Amdt 12
Juneau, AK, Juneau Intl, RNAV (GPS) V RWY 8, Amdt 2
Kasigluk, AK, Kasigluk, RNAV (GPS) RWY 17, Orig
Kasigluk, AK, Kasigluk, RNAV (GPS) RWY 35, Orig
Kasigluk, AK, Kasigluk, Takeoff Minimums and Obstacle DP, Orig
Sitka, AK, Sitka Rocky Gutierrez, BIORKA TWO, Graphic DP
Sitka, AK, Sitka Rocky Gutierrez, DF–A, Orig, CANCELED
Sitka, AK, Sitka Rocky Gutierrez, RNAV (GPS) RWY 11, Amdt 1
Yakutat, AK, Yakutat, RNAV (GPS) RWY 2, Amdt 3
Yakutat, AK, Yakutat, RNAV (GPS) RWY 11, Amdt 4
Yakutat, AK, Yakutat, RNAV (GPS) RWY 29, Amdt 4
Marion, AL, Vaiden Field, RNAV (GPS) RWY 16, Amdt 1
Marion, AL, Vaiden Field, RNAV (GPS) RWY 34, Amdt 1
Montgomery, AL, Montgomery Rgnl (Dannelly Field), RNAV (GPS) RWY 3, Amdt 2
Fresno, CA, Fresno Yosemite Intl, ILS OR LOC/DME RWY 29R, ILS RWY 29R (SA CAT I), ILS RWY 29R (CAT II), ILS RWY 29R (CAT III), Amdt 38
Fresno, CA, Fresno Yosemite Intl, LOC RWY 11L, Amdt 2
Fresno, CA, Fresno Yosemite Intl, RNAV (GPS) RWY 11L, Amdt 1
Fresno, CA, Fresno Yosemite Intl, RNAV (GPS) RWY 11R, Amdt 2
Fresno, CA, Fresno Yosemite Intl, RNAV (GPS) RWY 29L, Amdt 2
Fresno, CA, Fresno Yosemite Intl, RNAV (GPS) RWY 29R, Amdt 1
Fresno, CA, Fresno Yosemite Intl, Takeoff Minimums and Obstacle DP, Amdt 8
Fresno, CA, Fresno Yosemite Intl, VOR/DME OR TACAN RWY 11L, Amdt 2
San Francisco, CA, San Francisco Intl, ILS OR LOC RWY 19L, Amdt 20
San Francisco, CA, San Francisco Intl, ILS OR LOC RWY 28L, ILS RWY 28L (SA CAT II), Amdt 24
San Francisco, CA, San Francisco Intl, ILS OR LOC RWY 28R, ILS RWY 28R (CAT II), ILS RWY 28R (CAT III), ILS RWY 28R (SA CAT I), Amdt 12
San Francisco, CA, San Francisco Intl, ILS PRM RWY 28L (SIMULTANEOUS CLOSE PARALLEL), Amdt 3
San Francisco, CA, San Francisco Intl, LDA/DME RWY 28R, Amdt 2
San Francisco, CA, San Francisco Intl, LOC/DME Y RWY 28L, Orig, CANCELED
San Francisco, CA, San Francisco Intl, LOC/DME Y RWY 28R, Orig, CANCELED
San Francisco, CA, San Francisco Intl, LDA PRM RWY 28R (SIMULTANEOUS CLOSE PARALLEL), Amdt 2
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 10L, Amdt 2
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 19L, Amdt 2
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 19R, Amdt 1
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 28L, Amdt 4
San Francisco, CA, San Francisco Intl, RNAV (GPS) PRM RWY 28L (SIMULTANEOUS CLOSE PARALLEL), Amdt 1
San Francisco, CA, San Francisco Intl, RNAV (GPS) PRM X RWY 28R (SIMULTANEOUS CLOSE PARALLEL), Amdt 1
San Francisco, CA, San Francisco Intl, RNAV (GPS) X RWY 28R, Amdt 1
San Francisco, CA, San Francisco Intl, RNAV (GPS) Y RWY 10R, Amdt 2
San Francisco, CA, San Francisco Intl, RNAV (GPS) Y RWY 19L, Orig-A, CANCELED
San Francisco, CA, San Francisco Intl, RNAV (GPS) Y RWY 19R, Orig-A, CANCELED
San Francisco, CA, San Francisco Intl, RNAV (GPS) Z RWY 28R, Amdt 4
San Francisco, CA, San Francisco Intl, RNAV (RNP) Y RWY 28R, Amdt 2
San Francisco, CA, San Francisco Intl, RNAV (RNP) Z RWY 10R, Amdt 2
San Francisco, CA, San Francisco Intl, VOR RWY 19L, Amdt 10
San Francisco, CA, San Francisco Intl, VOR–B, Amdt 7
Tinian Island, CQ, Tinian Intl, NDB–A, Amdt 2
Hollywood, FL, North Perry, Takeoff Minimums and Obstacle DP, Amdt 5
Quitman, GA, Quitman Brooks County, RNAV (GPS) RWY 10, Amdt 1
Quitman, GA, Quitman Brooks County, RNAV (GPS) RWY 28, Amdt 1
Albia, IA, Albia Muni, RNAV (GPS) RWY 13, Orig
Albia, IA, Albia Muni, RNAV (GPS) RWY 31, Amdt 1
Eagle Grove, IA, Eagle Grove Muni, RNAV (GPS) RWY 13, Amdt 1
Eagle Grove, IA, Eagle Grove Muni, RNAV (GPS) RWY 31, Amdt 2
Guthrie Center, IA, Guthrie County Rgnl, RNAV (GPS) RWY 18, Amdt 1
Guthrie Center, IA, Guthrie County Rgnl, RNAV (GPS) RWY 36, Amdt 1
Hampton, IA, Hampton Muni, RNAV (GPS) RWY 17, Amdt 1
Hampton, IA, Hampton Muni, RNAV (GPS) RWY 35, Amdt 1

Maquoketa, IA, Maquoketa Muni, RNAV (GPS) RWY 15, Amdt 1
Maquoketa, IA, Maquoketa Muni, RNAV (GPS) RWY 33, Amdt 1
Sioux City, IA, Sioux Gateway/Col. Bud Day Field, NDB RWY 17, Amdt 2
Sioux City, IA, Sioux Gateway/Col. Bud Day Field, RNAV (GPS) RWY 13, Orig-B
Sioux City, IA, Sioux Gateway/Col. Bud Day Field, RNAV (GPS) RWY 17, Orig-B
Sioux City, IA, Sioux Gateway/Col. Bud Day Field, RNAV (GPS) RWY 31, Orig-B
Boise, ID, Boise Air Terminal/Gowen Fld, RNAV (GPS) Y RWY 28R, Amdt 4A
Grangeville, ID, Idaho County, MELLR TWO, Graphic DP
Grangeville, ID, Idaho County, RNAV (GPS) RWY 7, Amdt 1
Grangeville, ID, Idaho County, RNAV (GPS) RWY 25, Amdt 1
Twin Falls, ID, Joslin Field—Magic Valley Rgnl, ILS OR LOC RWY 26, Amdt 10
Twin Falls, ID, Joslin Field—Magic Valley Rgnl, NDB RWY 26, Amdt 7
Twin Falls, ID, Joslin Field—Magic Valley Rgnl, RNAV (GPS) RWY 8, Amdt 1
Twin Falls, ID, Joslin Field—Magic Valley Rgnl, RNAV (GPS) RWY 26, Amdt 1
Twin Falls, ID, Joslin Field—Magic Valley Rgnl, Takeoff Minimums and Obstacle DP, Amdt 3
Twin Falls, ID, Joslin Field—Magic Valley Rgnl, VOR RWY 8, Amdt 5
Twin Falls, ID, Joslin Field—Magic Valley Rgnl, VOR RWY 26, Amdt 16
Twin Falls, ID, Joslin Field—Magic Valley Rgnl, VOR/DME RWY 8, Amdt 1
Peoria, IL, General Downing—Peoria Intl, RNAV (GPS) RWY 31, Amdt 1A
Portland, IN, Portland Muni, Takeoff Minimums and Obstacle DP, Orig-A
Ottawa, KS, Ottawa Muni, RNAV (GPS) RWY 17, Amdt 1
Ottawa, KS, Ottawa Muni, RNAV (GPS) RWY 35, Amdt 1
Monticello, KY, Wayne County, GPS RWY 3, Orig-A, CANCELED
Monticello, KY, Wayne County, GPS RWY 21, Orig-A, CANCELED
Monticello, KY, Wayne County, RNAV (GPS) RWY 3, Orig
Monticello, KY, Wayne County, RNAV (GPS) RWY 21, Orig
Prestonsburg, KY, Big Sandy Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1A
Monroe, LA, Monroe Rgnl, VOR/DME RWY 4, Amdt 3
Monroe, LA, Monroe Rgnl, VOR/DME RWY 32, Amdt 4
Hancock, MI, Houghton County Memorial, RNAV (GPS) RWY 7, Amdt 1
Hancock, MI, Houghton County Memorial, RNAV (GPS) RWY 13, Amdt 1
Kalamazoo, MI, Kalamazoo/Battle Creek International, LOC BC RWY 17, Amdt 19, CANCELED
Kalamazoo, MI, Kalamazoo/Battle Creek Intl, RNAV (GPS) RWY 17, Amdt 1
Traverse City, MI, Cherry Capitol, GPS RWY 36, Orig-B, CANCELED
Traverse City, MI, Cherry Capitol, RNAV (GPS) RWY 36, Orig
Dodge Center, MN, Dodge Center, RNAV (GPS) RWY 16, Amdt 1
Dodge Center, MN, Dodge Center, RNAV (GPS) RWY 34, Amdt 1
Jackson, MN, Jackson Muni, RNAV (GPS) RWY 13, Amdt 1
Jackson, MN, Jackson Muni, RNAV (GPS) RWY 31, Amdt 1
Wadena, MN, Wadena Muni, RNAV (GPS) RWY 16, Orig
Wadena, MN, Wadena Muni, RNAV (GPS) RWY 34, Amdt 1
Wadena, MN, Wadena Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Cassville, MO, Cassville Muni, RNAV (GPS) RWY 9, Amdt 1
Cassville, MO, Cassville Muni, RNAV (GPS) RWY 27, Orig
Cassville, MO, Cassville Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Fredericktown, MO, A. Paul Vance Fredericktown Rgnl, RNAV (GPS) RWY 1, Amdt 1
Fredericktown, MO, A. Paul Vance Fredericktown Rgnl, RNAV (GPS) RWY 19, Amdt 1
Fredericktown, MO, A. Paul Vance Fredericktown Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1
Joplin, MO, Joplin Rgnl, RNAV (GPS) RWY 31, Amdt 1
Stockton, MO, Stockton Muni, RNAV (GPS) RWY 19, Orig-A
Jackson, MS, Jackson-Medgar Wiley Evers International, ILS OR LOC RWY 16L, ILS RWY 16L (SA CAT I), ILS RWY 16L (CAT II), ILS RWY 16L (CAT III), Amdt 8
Jackson, MS, Jackson-Medgar Wiley Evers International, ILS OR LOC RWY 34L, Amdt 6
Jackson, MS, Jackson-Medgar Wiley Evers International, VOR/DME OR TACAN RWY 16L, Orig
Jackson, MS, Jackson-Medgar Wiley Evers International, VOR/DME OR TACAN RWY 16R, Orig
Jackson, MS, Jackson-Medgar Wiley Evers International, VOR/DME OR TACAN RWY 34L, Orig
Jackson, MS, Jackson-Medgar Wiley Evers International, VOR/DME OR TACAN RWY 34R, Orig
Laurel, MS, Hesler-Noble Field, VOR/DME–A, Amdt 5
Madison, MS, Bruce Campbell Field, VOR–A, Amdt 10, CANCELED
Madison, MS, Bruce Campbell Field, VOR/DME RWY 17, Orig
Madison, MS, Bruce Campbell Field, VOR/DME–B, Amdt 5, CANCELED
Meridian, MS, Key Field, RNAV (GPS) RWY 1, Amdt 3
Meridian, MS, Key Field, RNAV (GPS) RWY 4, Amdt 1
Meridian, MS, Key Field, RNAV (GPS) RWY 19, Amdt 1
Meridian, MS, Key Field, RNAV (GPS) RWY 22, Amdt 1
Dickinson, ND, Dickinson—Theodore Roosevelt Rgnl, RNAV (GPS) RWY 25, Orig
Manville, NJ, Central Jersey Rgnl, RNAV (GPS) RWY 25, Amdt 1C
Toms River, NJ, Ocean County Airport, ILS OR LOC RWY 6, Amdt 2
Toms River, NJ, Ocean County Airport, RNAV (GPS) RWY 6, Orig
Toms River, NJ, Ocean County Airport, RNAV (GPS) RWY 24, Orig
Toms River, NJ, Ocean County Airport, Takeoff Minimums and Obstacle DP, Amdt 1
Toms River, NJ, Ocean County Airport, VOR RWY 6, Amdt 7
Toms River, NJ, Ocean County Airport, VOR/DME RWY 24, Amdt 4
Carlsbad, NM, Cavern City Air Trml, RNAV (GPS) RWY 3, Orig
Carlsbad, NM, Cavern City Air Trml, RNAV (GPS) RWY 14R, Amdt 1
Carlsbad, NM, Cavern City Air Trml, RNAV (GPS) RWY 21, Amdt 1
Eureka, NV, Eureka, MINES ONE, Graphic DP
Eureka, NV, Eureka, RNAV (GPS) RWY 18, Orig
Eureka, NV, Eureka, Takeoff Minimums and Obstacle DP, Orig
Lakeview, OR, Lake County, GPS RWY 34, Orig-A, CANCELED
Lakeview, OR, Lake County, RNAV (GPS) RWY 17, Orig
Lakeview, OR, Lake County, RNAV (GPS) RWY 35, Orig
Lakeview, OR, Lake County, Takeoff Minimums and Obstacle DP, Amdt 3
Scappoose, OR, Scappoose Industrial Airpark, LOC/DME RWY 15, Amdt 3
Sioux Falls, SD, Joe Foss Field, Takeoff Minimums and Obstacle DP, Amdt 8
Mc Minnville, TN, Warren County Memorial, GPS RWY 23, Orig, CANCELED
Mc Minnville, TN, Warren County Memorial, LOC RWY 23, Amdt 1, CANCELED
Mc Minnville, TN, Warren County Memorial, RNAV (GPS) RWY 23, Orig
Galveston, TX, Scholes Intl at Galveston, Takeoff Minimums and Obstacle DP, Amdt 5
Laredo, TX, Laredo Intl, RNAV (GPS) RWY 32, Amdt 1
Laredo, TX, Laredo Intl, RNAV (GPS) RWY 35L, Amdt 2
Plains, TX, Yoakum County, RNAV (GPS) RWY 3, Amdt 1
Plains, TX, Yoakum County, RNAV (GPS) RWY 21, Amdt 1
Waco, TX, Waco Rgnl, RNAV (GPS) RWY 1, Amdt 1A
Tooele, UT, Bolinder Field-TooeleValley, STACO TWO, Graphic DP, CANCELED
Quinton, VA, New Kent County, RNAV (GPS) RWY 11, Amdt 2
Quinton, VA, New Kent County, RNAV (GPS) RWY 29, Amdt 2
Quinton, VA, New Kent County, VOR–A, Amdt 2
Bremerton, WA, Bremerton National, Takeoff Minimums and Obstacle DP, Amdt 4
Spokane, WA, Felts Field, Takeoff Minimums and Obstacle DP, Amdt 6
Marshfield, WI, Marshfield Muni, RNAV (GPS) RWY 5, Orig
Marshfield, WI, Marshfield Muni, RNAV (GPS) RWY 23, Orig

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Chapter I

RIN 3038–AE05

Exemptive Order Regarding Compliance With Certain Swap Regulations

AGENCY: Commodity Futures Trading Commission.

ACTION: Exemptive order; request for comments.

SUMMARY: On January 7, 2013, the Commodity Futures Trading Commission (''Commission'' or ''CFTC'') issued a final order (''January Order'') that granted market participants temporary conditional relief from certain provisions of the Commodity Exchange Act (''CEA''), as amended by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'' or ''Dodd-Frank'') (and Commission regulations thereunder). The January Order expires on July 12, 2013. In this Exemptive Order (''Exemptive Order''), the Commission provides temporary conditional relief effective upon the expiration of the January Order in order to facilitate transition to the Dodd-Frank swaps regime.

DATES: The Exemptive Order is effective July 13, 2013, and will expire December 21, 2013, or such earlier date specified in the Exemptive Order.

ADDRESSES: You may submit comments, identified by RIN number 3038–AE05, by any of the following methods:

- *The agency's Web site:* at *http://comments.cftc.gov.* Follow the instructions for submitting comments through the Web site.
- *Mail:* Melissa D. Jurgens, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as mail above.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the proposal will be retained in the public comment file and will be considered as required under the Administrative Procedure Act [2] and other applicable laws, and may be accessible under the Freedom of Information Act.[3]

FOR FURTHER INFORMATION CONTACT: Gary Barnett, Director, Division of Swap Dealer and Intermediary Oversight, (202) 418–5977, *gbarnett@cftc.gov;* Sarah E. Josephson, Director, Office of International Affairs, (202) 418–5684, *sjosephson@cftc.gov;* Mark Fajfar, Assistant General Counsel, Office of General Counsel, (202) 418–6636, *mfajfar@cftc.gov;* Laura B. Badian, Counsel, Office of General Counsel, (202) 418–5969, *lbadian@cftc.gov;* Evan H. Winerman, Attorney-Advisor, Office of General Counsel, (202) 418–5674, *ewinerman@cftc.gov;* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

On July 21, 2010, President Obama signed the Dodd-Frank Act,[4] which amended the CEA [5] to establish a new regulatory framework for swaps. The legislation was enacted to reduce systemic risk, increase transparency, and promote market integrity within the financial system by, among other things: (1) Providing for the registration and comprehensive regulation of swap dealers (''SDs'') and major swap participants (''MSPs''); (2) imposing clearing and trade execution requirements on standardized derivative products; (3) creating rigorous recordkeeping and data reporting regimes with respect to swaps, including real-time public reporting; and (4) enhancing the Commission's rulemaking and enforcement authorities over all registered entities, intermediaries, and swap counterparties subject to the Commission's oversight. Section 722(d) of the Dodd-Frank Act also amended the CEA to add section 2(i), which provides that the swaps provisions of the CEA apply to cross-border activities when certain conditions are met, namely, when such activities have a ''direct and significant connection with activities in, or effect on, commerce of the United States'' or when they contravene a Commission rulemaking.[6]

In the nearly three years since its enactment, the Commission has finalized 69 actions to implement Title VII of the Dodd-Frank Act. The finalized actions include rules promulgated under CEA section 4s,[7] which address registration of SDs and MSPs and other substantive requirements applicable to SDs and MSPs. Notably, many section 4s requirements applicable to SDs and MSPs are tied to the date on which a person is required to register, unless a later compliance date is specified.[8] A number of other rules specifically applicable to SDs and MSPs have been proposed but are not finalized.[9]

Further, the Commission published for public comment the Proposed Guidance,[10] which set forth the manner in which it proposed to interpret section 2(i) of the CEA as it applies to the requirements under the Dodd-Frank Act and the Commission's regulations promulgated thereunder regarding cross-border swaps activities. Specifically, in the Proposed Guidance, the Commission described the general manner in which it proposed to consider: (1) Whether a non-U.S. person's swap dealing activities are sufficient to require registration as a ''swap dealer,'' [11] as further defined in a joint release adopted by the Commission

[1] *See* 17 CFR 145.9.

[2] 5 U.S.C. 551, *et seq.*

[3] 5 U.S.C. 552.

[4] *See* Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (July 21, 2010).

[5] 7 U.S.C. 1 *et seq.* (amended 2010).

[6] 7 U.S.C. 2(i).

[7] 7 U.S.C. 6s.

[8] Examples of section 4s implementing rules that become effective for SDs and MSPs at the time of their registration include requirements relating to swap data reporting (Commission regulation 23.204) and conflicts of interest (Commission regulation 23.605(c)–(d)). The chief compliance officer requirement (Commission regulations 3.1 and 3.3) is an example of those rules that have specific compliance dates. The compliance dates are summarized on the Compliance Dates page of the Commission's Web site. (*http://www.cftc.gov/LawRegulation/DoddFrankAct/ComplianceDates/index.htm*). The Commission's regulations are codified at 17 CFR Ch. 1.

[9] These include rules under CEA section 4s(e),7 U.S.C. 6s(e) (governing capital and margin requirements for SDs and MSPs), and CEA section 4s(l), 7 U.S.C. 6s(l) (governing segregation requirements for uncleared swaps).

[10] Cross-Border Application of Certain Swaps Provisions of the Commodity Exchange Act, 77 FR 41214 (Jul. 12, 2012) (''Proposed Guidance'').

[11] 7 U.S.C. 1a(49) (defining the term ''swap dealer'').

and the Securities and Exchange Commission (''SEC'') (collectively, the ''Commissions''); [12] (2) whether a non-U.S. person's swap positions are sufficient to require registration as a ''major swap participant,'' [13] as further defined in the Final Entities Rules; and (3) the treatment of foreign branches, agencies, affiliates, and subsidiaries of U.S. SDs and U.S. branches of non-U.S. SDs. The Proposed Guidance also generally described the policy basis and procedural framework underlying the Commission's determination to allow compliance with a comparable regulatory requirement of a foreign jurisdiction to substitute for compliance with the requirements of the CEA and Commission regulations thereunder. Last, the Proposed Guidance set forth the manner in which the Commission proposed to interpret section 2(i) of the CEA as it applies to the clearing, trading, and certain reporting requirements under the Dodd-Frank Act with respect to swaps between counterparties that are not SDs or MSPs.

Contemporaneously with the Proposed Guidance, the Commission published the Exemptive Order Regarding Compliance With Certain Swap Regulations (''Proposed Order'') [14] pursuant to section 4(c) of the CEA, in order to foster an orderly transition to the new swaps regulatory regime and to provide market participants greater certainty regarding their obligations with respect to cross-border swaps activities prior to finalization of the Proposed Order. The Proposed Order would have granted temporary relief from certain swaps provisions of Title VII of the Dodd-Frank Act.

On January 7, 2013, the Commission published the Final Exemptive Order Regarding Compliance with Certain Swap Regulations (''January Order''),[15] which finalized the Proposed Order, with modifications, and granted temporary relief from certain swaps provisions of Title VII of the Dodd-Frank Act. In particular, the January Order: (1) Applies, for purposes of the January Order, a definition of the term ''U.S. person'' based on the counterparty criteria set forth in CFTC Letter No. 12–22,[16] with certain modifications; (2) provides relief concerning SD de minimis and MSP threshold calculations; (3) classifies, for purposes of the January Order, requirements of the CEA and Commission regulations as either ''Entity-Level Requirements'' or ''Transaction-Level Requirements;'' (4) allows non-U.S. persons that register as SDs or MSPs to delay compliance with certain Entity-Level Requirements and Transaction-Level Requirements; and (5) allows foreign branches of U.S. SDs or MSPs to delay compliance with certain Transaction-Level Requirements. The January Order was effective December 21, 2012, and expires July 12, 2013.

II. Need for Further Exemptive Relief With Request for Comments

In issuing the January Order, the Commission attempted to be responsive to industry's concerns regarding implementation and thereby ensure that market practices would not be unnecessarily disrupted during the transition to the new swaps regulatory regime. At the same time, however, the Commission endeavored to comply with the Congressional mandate to implement the new SD and MSP regulatory scheme in a timely manner. Accordingly, the January Order was carefully tailored both in scope and duration in order to strike the proper balance between these competing demands.

Following the issuance of the January Order, Commission staff addressed various implementation issues through no-action letters and interpretative letters in order to ensure a smooth transition to the new swaps regulatory regime. Furthermore, the Commission and its staff have closely consulted with SEC staff and with foreign regulators in an effort to harmonize cross-border regulatory approaches. As a result, significant progress has been made towards implementation of the Dodd-Frank swaps regime. Under these circumstances, the Commission does not believe that an extension of the January Order is necessary or appropriate. The Commission believes, however, that further transitional relief is necessary in order to avoid unnecessary market disruptions and to facilitate market participants' transition to the new Dodd-Frank swaps regime. Specifically, with the expiration of the January Order, the temporary definition of the term ''U.S. person'' will no longer be available. As a result, market participants will need additional time to adjust their operational and compliance systems in order to incorporate the revised scope of the term ''U.S. person.''

The Commission also recognizes that implementation of the Commission's substituted compliance program would benefit from additional time.[17] Under this ''substituted compliance program,'' the Commission may determine that certain laws and regulations of a foreign jurisdiction are comparable to, and as comprehensive as, a corresponding category of U.S. laws and regulations.[18] A finding of comparability, however, may not be possible at this time for a number of reasons, including that the foreign jurisdiction has not yet implemented or finalized particular requirements and that the Commission does not have sufficient information to make the comparability determinations (''Substituted Compliance Determinations''). Moreover, the Commission has only recently received requests for Substituted Compliance Determinations from parties located in Australia, Canada, the European Union, Hong Kong, Japan, and Switzerland.[19]

The Commission is issuing the Exemptive Order today, with a request for comments, as it is cognizant that, in the absence of immediate exemptive relief, market participants will be faced with significant legal uncertainty and the risk of adverse consequences to their global business, especially in light of the ongoing discussions with foreign regulatory entities and their evolving regulatory regimes. For all of the foregoing reasons, the Commission finds that public notice and comment on this Exemptive Order would be impracticable, unnecessary, and contrary to the public interest.[20]

Because the Commission understands that the transition to the Guidance is complex and could apply in varied ways to different situations, the Commission is seeking public comment on any issues that are not fully addressed by the Exemptive Order. Thus, the Exemptive Order is effective as of July 13, 2013, and the Commission is soliciting comments for 30 days. The

[12] *See* Further Definition of 'Swap Dealer,' 'Security-Based Swap Dealer,' 'Major Swap Participant,' 'Major Security-Based Swap Participant' and 'Eligible Contract Participant,' 77 FR 305969 (May 23, 2012) (''Final Entities Rules'').

[13] 7 U.S.C. 1a(33) (defining the term ''major swap participant'').

[14] 77 FR 41110 (Jul. 12, 2012).

[15] 78 FR 858 (Jan. 7, 2013).

[16] CFTC Division of Swap Dealer and Intermediary Oversight, Re: Time-Limited No-Action Relief: Swaps Only With Certain Persons to be Included in Calculation of Aggregate Gross Notional Amount for Purposes of Swap Dealer De Minimis Exception and Calculation of Whether a Person is a Major Swap Participant, No-Action Letter No. 12–22 (Oct. 12, 2012).

[17] *See* Interpretive Guidance and Policy Statement Regarding Compliance with Certain Swap Regulations, (''Guidance''), adopted concurrently with the Exemptive Order.

[18] As stated in the Guidance, any comparability analysis will be based on a comparison of specific foreign requirements against specific related CEA provisions and Commission regulations in 13 categories of regulatory obligations, considering certain factors described in the Guidance.

[19] The Commission notes that of 78 SDs and two MSPs registered as of June 14, 2013, 33 SDs are from six non-U.S. jurisdictions: Twenty from the European Union; five from Australia; five from Canada; one from Japan; one from Hong Kong; and one from Switzerland.

[20] *See* 5 U.S.C. 553(b)(B).

Commission will take into consideration arguments made in all comments received and make adjustments to the Exemptive Order, as necessary.

In summary, like the January Order, the Exemptive Order will provide targeted, time-limited relief from certain Dodd-Frank requirements to facilitate an orderly transition to the Dodd-Frank regulatory regime, while, at the same time, ensuring that the Dodd-Frank swaps market reform is implemented without undue delay.

III. Scope of Exemptive Order

A. Definition of ''U.S. Person'' and Phase-In of Guaranteed Affiliates and ''Affiliate Conduits''

As discussed above, the Commission recognizes that market participants may need additional time to facilitate their transition to the interpretation of the term ''U.S. person.'' Accordingly, under the Exemptive Order, the definition of the term ''U.S. person'' contained in the January Order will continue to apply from July 13, 2013 (the date on which the Exemptive Order is effective) until 75 days after the Final Guidance is published in the **Federal Register**. The Commission expects that this step, and the other relief provided in this Exemptive Order, will substantially address concerns regarding the complexity of implementing the swap requirements for the interim period during which the Exemptive Order is in effect. In addition, guaranteed affiliates and affiliate conduits do not need to comply with Transaction-Level Requirements relating to swaps with non-U.S. persons and foreign branches of U.S. swap dealers and MSPs until 75 days after the Final Guidance is published in the **Federal Register**.

B. De Minimis Calculation

The Commission has adopted final rules and interpretive guidance implementing the statutory definitions of the terms ''swap dealer'' and ''major swap participant'' in CEA sections 1a(49) and 1a(33).[21] The Final Entities Rules delineate the activities that cause a person to be an SD and the level of swap positions that cause a person to be an MSP. In addition, the Commission has adopted rules concerning the statutory exceptions from the definition of an SD, including the de minimis exception.[22] Commission regulation 1.3(ggg)(4) sets forth a de minimis threshold of swap dealing, which takes into account the notional amount of a person's swap dealing activity over the prior 12 months.[23] When a person engages in swap dealing transactions above that threshold, the person meets the SD definition in section 1a(49) of the CEA.[24] Commission regulations 1.3(jjj)(1) and 1.3(lll)(1) set forth swap position thresholds for the MSP definition in Commission regulation 1.3(hhh). When a person holds swap positions above those thresholds, such person meets the MSP definition in section 1a(39) of the CEA.

As described in the January Order, the Commission believed it appropriate to provide, during the pendency of the Commission's cross-border interpretive guidance, temporary relief for non-U.S. persons (regardless of whether the non-U.S. persons' swap obligations are guaranteed by U.S. persons) from the requirement that a person include all its swaps in its calculation of the aggregate gross notional amount of swaps connected with its swap dealing activity for SD purposes or in its calculations for MSP purposes.[25] In order to facilitate an orderly transition to the revised scope of the term ''U.S. person,'' the Exemptive Order provides that until 75 days after the Guidance is published in the **Federal Register**, a non-U.S. person (regardless of whether the non-U.S. person's swaps obligations are guaranteed by U.S. persons) does not need to include in its calculation of the aggregate gross notional amount of swaps connected with its swap dealing activity for purposes of Commission regulation 1.3(ggg)(4) or in its calculation of whether it is an MSP for purposes of Commission regulation 1.3(hhh), any swaps where the counterparty is a non-U.S. person, or any swap where the counterparty is a foreign branch of a U.S. person that is registered as a swap dealer.

C. Aggregation

Commission regulation 1.3(ggg)(4) requires that a person include, in determining whether its swap dealing activities exceed the de minimis threshold, the aggregate notional value of swap dealing transactions entered by its affiliates under common control. Under the January Order, a non-U.S. person that is engaged in swap dealing activities with U.S. persons as of the effective date of the January Order is not required to include, in its calculation of the aggregate gross notional amount of swaps connected with its swap dealing activity for purposes of Commission regulation 1.3(ggg)(4), the aggregate gross notional amount of swaps connected with the swap dealing activity of its U.S. affiliates under common control.[26] Further, a non-U.S. person that is engaged in swap dealing activities with U.S. persons as of the effective date of the January Order and is an affiliate under common control with a person that is registered as an SD is also not required to include, in its calculation of the aggregate gross notional amount of swaps connected with its swap dealing activity for purposes of Commission regulation 1.3(ggg)(4), the aggregate gross notional amount of swaps connected with the swap dealing activity of any non-U.S. affiliate under common control that is either (i) engaged in swap dealing activities with U.S. persons as of the effective date of the January Order or (ii) registered as an SD. Also, under the January Order, a non-U.S. person is not required to include, in its calculation of the aggregate gross notional amount of swaps connected with its swap dealing

[21] 7 U.S.C. 1a(49) and 1a(33). *See* Final Entities Rules.

[22] Section 1a(49)(D) of the CEA, 7 U.S.C. 1a(49)(D), provides that ''[t]he Commission shall exempt from designation as a swap dealer an entity that engages in a de minimis quantity of swap dealing in connection with transactions with or on behalf of its customers. The Commission shall promulgate regulations to establish factors with respect to the making of this determination to exempt.'' This provision is implemented in Commission regulation 1.3(ggg)(4).

[23] As used in the Exemptive Order, the meaning of the term ''swap dealing'' is consistent with that used in the Final Entities Rules.

[24] Under Commission regulations 3.10(a)(1)(v)(C) and 23.21, a person is required to register as an SD when, on or after October 12, 2012, the person falls within the definition of an SD. However, the rule defining ''swap dealer'' includes a de minimis threshold so that an entity is not an SD if it, together with the entities controlling, controlled by, and under common control with it, engages in swap dealing activity during the prior 12 months in an aggregate gross notional amount of less than the specified thresholds. The rule further specifies that swap dealing activity engaged in before the effective date of both the ''swap dealer'' and ''swap'' definition rules (*i.e.,* before October 12, 2012) does not count toward the de minimis threshold. The rule also provides that an entity that exceeds the de minimis threshold must register as an SD two months after the end of the month in which it exceeds the threshold. *See* Commission regulation 1.3(ggg)(4).

[25] On the other hand, the Commission believes that it is not appropriate to provide a non-U.S. person with relief from the registration requirement when the aggregate level of its swap dealing with U.S. persons, as that term is defined in the Guidance, exceeds the de minimis level of swap dealing, or when the level of its swap positions with U.S. persons, again as that term is defined above, exceeds one of the MSP thresholds. In the Commission's view, such relief from the registration requirement is inappropriate when a level of swaps activities that is substantial enough to require registration as an SD or an MSP when conducted by a U.S. person, is conducted by a non-U.S. person with U.S. persons as counterparties.

[26] For this purpose, the Commission construes ''affiliates'' to include persons under common control as stated in the Commission's final rule further defining the term ''swap dealer,'' which defines control as ''the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract or otherwise.'' *See* Final Entities Rules, 77 FR at 30631 n. 437.

activity for purposes of Commission regulation 1.3(ggg)(4), the aggregate gross notional amount of swaps connected with the swap dealing activity of its non-U.S. affiliates under common control with other non-U.S. persons as counterparties.

In order to facilitate transition to the expanded scope of the term ''U.S. person,'' the Exemptive Order allows all non-U.S. persons to apply the aggregation principle applied in the January Order until 75 days after the Guidance is published in the **Federal Register**.

D. Swap Dealer Registration

A non-U.S. person that was previously exempt from registration as an SD because of the temporary relief extended to such person under the Commission's January Order, but that is required to register as an SD under Commission regulation 1.3(ggg)(4) because of changes to the scope of the term ''U.S. person'' or changes in the de minimis SD calculation or aggregation for purposes of the de minimis calculation, is not required to register as an SD until two months after the end of the month in which such person exceeds the de minimis threshold for SD registration.

E. Entity-Level and Transaction-Level Requirements

1. Categorization

For purposes of the Exemptive Order, the Dodd-Frank swaps provisions applicable to SDs and MSPs are categorized as Entity-Level or Transaction-Level Requirements in the same way as they are categorized in the Guidance.[27] In particular, for purposes of the Exemptive Order, Entity-Level Requirements consist of: (1) Capital adequacy; (2) chief compliance officer;[28] (3) risk management;[29] (4) swap data recordkeeping;[30] and (5) swap data repository (''SDR'') Reporting.[31] The Transaction-Level Requirements consist of: (1) Clearing and swap processing;[32] (2) margin and segregation requirements for uncleared swaps; (3) trade execution;[33] (4) swap trading relationship documentation;[34] (5) portfolio reconciliation and compression;[35] (6) real-time public reporting;[36] (7) trade confirmation;[37] (8) daily trading records;[38] and (9) external business conduct standards.[39] Under the Guidance, Transaction-Level Requirements (1) to (8) are the ''Category A Transaction-Level Requirements,'' while external business conduct standards are the ''Category B Transaction-Level Requirements.''

The Commission notes that it has not yet finalized regulations regarding capital adequacy or margin and segregation for uncleared swaps. In the event that the Commission finalizes regulations regarding capital adequacy or margin and segregation for uncleared swaps before December 21, 2013, non-U.S. SDs and non-U.S. MSPs would comply with such requirements in accordance with any compliance date provided in the relevant rulemaking.

2. Application of Entity-Level Requirements

i. Application to non-U.S. SDs and non-U.S. MSPs

As described in the Guidance, non-U.S. SDs and non-U.S. MSPs can generally comply with specified Entity-Level Requirements by complying with regulations of the jurisdiction in which the non-U.S. SD or non-U.S. MSP is established, assuming the Commission has made a Substituted Compliance Determination with respect to the particular regulatory regime.[40] In addition to SDs in the United States, there are provisionally registered SDs that are established in Australia, Canada, the European Union, Hong Kong, Japan, and Switzerland. Market participants or regulators in all of these jurisdictions have recently submitted requests for Substituted Compliance Determinations. Given that the Guidance is being issued now, and that the Commission did not receive any submissions in support of Substituted Compliance Determinations with sufficient time to review them and reach a final determination, the Commission has determined to temporarily delay compliance with Entity-Level Requirements in these jurisdictions. Accordingly, under the Exemptive Order, a non-U.S. SD or non-U.S. MSP established in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland may defer compliance with any Entity-Level Requirement for which substituted compliance would be possible, as described in the Commission's Guidance, until the earlier of December 21, 2013 or 30 days following the issuance of a Substituted Compliance Determination for the relevant regulatory requirements of the jurisdiction in which the non-U.S. SD or non-U.S. MSP is established.[41]

Under the January Order, non-U.S. SDs and non-U.S. MSPs are required to comply with SDR Reporting for all swaps with U.S. counterparties. However, non-U.S. SDs and non-U.S. MSPs that are not part of an affiliated group in which the ultimate parent entity is a U.S. SD, U.S. MSP, U.S. bank, U.S. financial holding company or U.S. bank holding company are relieved, during the pendency of the January Order, from complying with the SDR Reporting requirements for swaps with non-U.S. counterparties. In order to facilitate the transition to fully compliant SDR Reporting, the Commission will provide non-U.S. SDs and non-U.S. MSPs established in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland that are not part of an affiliated group in which the ultimate parent entity is a U.S. SD, U.S. MSP, U.S. bank, U.S. financial holding company, or U.S. bank

[27] Because, as described in the Guidance, substituted compliance is not possible with respect to Large Trader Reporting (''LTR'') requirements (*i.e.,* non-U.S. persons that are subject to part 20 of the Commission's regulations would comply with it in the same way that U.S. persons comply), LTR requirements are not included within the term ''Entity-Level Requirements'' for purposes of the Exemptive Order.

[28] 17 CFR 3.3.

[29] 17 CFR 23.600, 23.601, 23.602, 23.603, 23.605, 23.606, 23.608, and 23.609.

[30] 17 CFR 1.31, 23.201 and 23.203.

[31] 17 CFR parts 45 and 46.

[32] 17 CFR 23.506, 23.610, and part 50.

[33] The Commission has adopted regulations for determining when a swap is ''available to trade'' and a compliance schedule for the trade execution requirement that applies when a swap subject to mandatory clearing is available to trade. At the present time, no swap either has been determined to be made available to trade or is subject to the trade execution requirement. *See* Process for a Designated Contract Market or Swap Execution Facility To Make a Swap Available to Trade, Swap Transaction Compliance and Implementation Schedule, and Trade Execution Requirement Under the Commodity Exchange Act, 78 FR 33606 (Jun. 4, 2013). *See* CEA section 2(h)(8) and 17 CFR 37.12 or 38.11.

[34] 17 CFR 23.504 and 23.505.

[35] 17 CFR 23.502 and 23.503.

[36] 17 CFR 23.205 and part 43.

[37] 17 CFR 23.501.

[38] 17 CFR 23.202.

[39] 17 CFR 23.400 to 23.451.

[40] As detailed in the Guidance, non-U.S. SDs and MSPs may generally rely on substituted compliance with respect to capital adequacy, chief compliance officer, risk management, and certain swap data recordkeeping. Non-U.S persons may also generally rely on substituted compliance with respect to SDR reporting and certain aspects of swap data recordkeeping relating to complaints and marketing and sales materials, but only for transactions with non-U.S. counterparties.

[41] The Commission anticipates that non-U.S. SDs/MSPs may require additional time after a Substituted Compliance Determination in order to phase in compliance with the relevant requirements of the jurisdiction in which the non-U.S. SDs or MSP is established. The Commission and its staff intend to address the need for any further transitional relief in connection with the subject Substituted Compliance Determination.

In addition, if an SD or MSP established in another jurisdiction files a request for registration before December 21, 2013, the Commission may consider a request for deferring compliance with the Entity-Level Requirements if a substituted compliance request is filed concurrently with the application.

holding company with temporary relief from the SDR reporting requirements of part 45 and part 46 of the Commission's regulations with respect to swaps with non-U.S. counterparties on the condition that, during the relief period: (i) Such non-U.S. SDs and non-U.S. MSPs are in compliance with the swap data recordkeeping and reporting requirements of their home jurisdictions; or (ii) where no swap data reporting requirements have been implemented in their home jurisdictions, such non-U.S. SDs and non-U.S. MSPs comply with the recordkeeping requirements of Commission regulations 45.2, 45.6, 46.2 and 46.4. This relief will expire the earlier of December 21, 2013 or, in the event of a Substituted Compliance Determination for the regulatory requirements of parts 45 and 46 for the jurisdiction in which the non-U.S. SD or non-U.S. MSP is established, 30 days following the issuance of such Substituted Compliance Determination.

3. Application of Transaction-Level Requirements

i. Application to U.S. SDs and MSPs

Generally, U.S. SDs and MSPs must comply with all Transaction-Level Requirements that are in effect. As described in the Guidance, however, a foreign branch of a U.S. SD or MSP that enters into a swap with a non-U.S. counterparty would be able to comply with the requirements of the local law and regulations in the foreign location of the branch in lieu of compliance with Category A Transaction-Level Requirements if the Commission has made a Substituted Compliance Determination with respect to those regulatory requirements. Additionally, as described in the Guidance, a foreign branch of a U.S. bank that is an SD or MSP need not comply with Category B Transaction-Level Requirements unless its swap counterparty is a U.S. person other than a foreign branch of a U.S. bank that is an SD or MSP.

Given that the Guidance is being issued now, and that the Commission did not receive any submissions in support of Substituted Compliance Determinations with sufficient time to review them and reach a final determination, the Commission has determined to temporarily defer compliance with the Category A Transaction-Level Requirements by foreign branches of U.S. banks if they are located in any of the six jurisdictions for which the Commission has received, or expects to receive in the near term, a request for substituted compliance determinations, for transactions for which substituted compliance is possible under the Guidance for such entities.[42] Accordingly, under the Exemptive Order, a foreign branch[43] of a U.S. bank that is an SD or MSP, and which is located in Australia, Canada, the European Union, Hong Kong, Japan, or Switzerland, may comply with any law and regulations of the jurisdiction where the foreign branch is located (and only to the extent required by such jurisdiction) in lieu of complying with any Category A Transaction-Level Requirement for which substituted compliance would be possible under the Guidance (other than a clearing requirement under CEA section 2(h)(1), Commission regulations under part 50, and Commission regulation 23.506; a trade execution requirement under CEA section 2(h)(8) and regulation 37.12 or 38.11;[44] or a real-time reporting requirement under part 43 of the Commission regulations for swaps with guaranteed affiliates[45] of a U.S. person), until the earlier of December 21, 2013 or 30 days following the issuance of a Substituted Compliance Determination for the relevant regulatory requirements of the country in which the foreign branch is located. For swaps transactions with guaranteed affiliates of a U.S. person, a foreign branch of a U.S. SD or MSP established in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland may comply with the law and regulations of the jurisdiction where the foreign branch is located related to real-time reporting (and only to the extent required by such jurisdiction) in lieu of complying with the real-time reporting requirements of part 43 of the Commission regulations until September 30, 2013. In the case of swaps with guaranteed affiliates of a U.S. person, the Commission believes that it the real-time reporting requirements of part 43 of the Commission's regulations should be effective as expeditiously as possible in order to achieve their underlying statutory objectives. Therefore, the Commission has determined that it would not be in the public interest to further delay reporting under part 43 of the Commission's regulations with respect to such swaps beyond September 30, 2013.

With respect to a swap that is subject to the clearing requirement under CEA section 2(h)(1), Commission regulations under part 50, and Commission regulation 23.506, any foreign branch of a U.S. bank that is an SD or MSP that was not required to clear under the January Order may delay complying with such clearing requirement until 75 days after the publication of the Guidance in the **Federal Register**. As the Commission explained in the Clearing Requirement Determination proposal,[46] the movement of swaps into central clearing by swap dealers has been taking place for many years. As part of the OTC Derivatives Supervisors' Group (''ODSG''), the Federal Reserve Bank of New York led an effort along with the primary supervisors of certain swap dealers[47] to enhance risk

[42] If an SD or MSP established in any other jurisdiction files an application for registration before December 21, 2013, the Commission may consider a request for deferring compliance with the Transaction-Level Requirements if a substituted compliance request is filed concurrently with the application.

The Commission notes that Transaction-Level Requirements apply on a transaction-by-transaction basis. As described in the Guidance, if a Substituted Compliance Determination is applicable to the jurisdiction in which a foreign branch of a U.S. bank is located for the relevant regulatory requirements and the branch enters into a swap (either in the jurisdiction in which it is located or another jurisdiction), then the branch can elect to comply with either the regulatory regime of the jurisdiction in which it is located for which the Substituted Compliance Determination has been made, or the comparable Category A Transaction-Level Requirements.

[43] For purposes of this Exemptive Order, market participants must use the term ''foreign branch'' and the interpretation of when a swap is with a foreign branch set forth in the Guidance. *See* Guidance regarding the types of offices which the Commission would consider to be a ''foreign branch'' of a U.S. bank, and the circumstances in which a swap is with such foreign branch.

[44] The Commission has adopted regulations for determining when a swap is ''available to trade'' and a compliance schedule for the trade execution requirement that applies when a swap subject to mandatory clearing is available to trade. At the present time, no swap either has been determined to be made available to trade or is subject to the trade execution requirement. *See* Process for a Designated Contract Market or Swap Execution Facility To Make a Swap Available to Trade, Swap Transaction Compliance and Implementation Schedule, and Trade Execution Requirement Under the Commodity Exchange Act, 78 FR 33606 (Jun. 4, 2013). *See* CEA section 2(h)(8) and 17 CFR 37.12 or 38.11.

[45] As used in the Exemptive Order, the term ''guaranteed affiliate'' refers to a non-U.S. person that is affiliated with a U.S. person and guaranteed by a U.S. person. In addition, for purposes of the Exemptive Order, the Commission interprets the term ''guarantee'' generally to include not only traditional guarantees of payment or performance of the related swaps, but also other formal arrangements that, in view of all the facts and circumstances, support the non-U.S. person's ability to pay or perform its swap obligations with respect to its swaps. *See* Proposed Guidance, 77 FR at 41221 n. 47. The term ''guarantee'' encompasses the different financial arrangements and structures that transfer risk directly back to the United States. In this regard, it is the substance, rather than the form, of the arrangement that determines whether the arrangement should be considered a guarantee for purposes of the Exemptive Order.

[46] 77 FR 47170, 47209 (Aug. 7, 2012).

[47] The ODSG's group of 14 dealers included: Bank of America-Merrill Lynch; Barclays Capital; BNP Paribas; Citi; Credit Suisse; Deutsche Bank AG;

Continued

mitigation practices for OTC derivatives, a key element of which was introduction of and commitment to central clearing of swaps, including clearing CDS (credit default swap) indices and interest rate swaps. Clearing is at the heart of the Dodd-Frank financial reform.[48]

With regard to the CDS indices that are subject to the Commission's clearing determination rules, SDs and other market participants have been working since 2008 to comply with their commitment to their ODSG supervisors to clear CDS. Similarly, while clearing of interest rate swaps began in the late 1990s, SDs and other market participants began committing in the mid-2000s to clear interest rate swaps in significant volumes. The SD commitments included both dealer-to-dealer clearing, as well as clearing by buy-side participants and others. Because SDs and MSPs have been committed to clearing their CDS and interest rate swaps for many years, and indeed have been voluntarily clearing for many years, any further delay of the Commission's clearing requirement is unwarranted.

In addition, under this Exemptive Order, a foreign branch of a U.S. SD or MSP located in any jurisdiction other than Australia, Canada, European Union, Hong Kong, Japan or Switzerland may comply with any law and regulations of the jurisdiction where the foreign branch is located (and only to the extent required by such jurisdiction) for the relevant Transaction-Level Requirement in lieu of complying with any Transaction-Level Requirement for which substituted compliance would be possible under the Commission's Guidance until 75 days after the publication of the Guidance in the **Federal Register**.

ii. Application to Non-U.S. SDs and Non-U.S. MSPs

As described in the Guidance, a non-U.S. SD or non-U.S. MSP should generally comply with the Category A Transaction-Level Requirements for its swaps with U.S. persons and with non-U.S. persons that are guaranteed by, or are affiliate conduits of,[49] a U.S. person (although substituted compliance would generally be available to a non-U.S. SD or non-U.S. MSP for transactions with (1) foreign branches of a U.S. bank that is an SD or MSP and (2) guaranteed affiliates or affiliate conduits of a U.S. person). Additionally, as described in the Guidance, a non-U.S. SD or non-U.S. MSP would generally need to comply with Category B Transaction-Level Requirements for all swaps with a U.S. person (other than a foreign branch of a U.S. bank that is an SD or an MSP).

Given that the Guidance is being issued now, and that the Commission did not receive any submissions in support of Substituted Compliance Determinations with sufficient time to review them and reach a final determination, the Commission has determined to temporarily defer compliance with the Category A Transaction-Level Requirements by non-U.S. SDs and non-U.S. MSPs established in any of the six jurisdictions for which the Commission has received, or expects to receive in the near term, a request for substituted compliance determinations for transactions for which substituted compliance is possible under the Guidance for such entities.[50] Accordingly, under the Exemptive Order, a non-U.S. SD or non-U.S. MSP established in Australia, Canada, European Union, Hong Kong, Japan or Switzerland [51] may comply with any law and regulations of the home jurisdiction where such non-U.S. SD or non-U.S. MSP is established (and only to the extent required by such jurisdiction) in lieu of complying with any Category A Transaction-Level Requirement for which substituted compliance would be possible under the Commission's Guidance (other than a clearing requirement under CEA section 2(h)(1), Commission regulations under part 50, and Commission regulation 23.506; a trade execution requirement under CEA section 2(h)(8) and regulation 37.12 or 38.11; [52] or a real-time reporting requirement under part 43 of the Commission regulations for swaps with guaranteed affiliates of a U.S. person), until the earlier of December 21, 2013 or 30 days following the issuance of a Substituted Compliance Determination for the relevant regulatory requirements of the jurisdiction in which the non-U.S. SD or non-U.S. MSP is established.[53] For swap transactions with guaranteed affiliates of a U.S. person under the Commission's Guidance, a non-U.S. SD or non-U.S. MSP established in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland may comply with any law and regulations of the home jurisdiction where such non-U.S. SD or non-U.S. MSP is established related to real-time reporting requirements (and only to the extent required by such home jurisdiction) in lieu of complying with the real-time reporting requirements of part 43 of the Commission regulations, until September 30, 2013. In the case of swaps with guaranteed affiliates of a U.S. person, the Commission believes that the real-time reporting requirements of part 43 of the Commission's regulations should be effective as expeditiously as possible in order to achieve their underlying statutory objectives. Therefore, the Commission has determined that it would not be in the public interest to further delay reporting under part 43 of the Commission's regulations with respect to such swaps beyond September 30, 2013.

With respect to a swap that is subject to the clearing requirement under CEA section 2(h)(1), Commission regulations under part 50, and Commission regulation 23.506, any non-U.S. SD or non-U.S. MSP that was not required to clear under the January Order may delay complying with such clearing requirement until 75 days after the

Goldman Sachs & Co.; HSBC Group, J.P. Morgan; Morgan Stanley; The Royal Bank of Scotland Group; Société Générale; UBS AG; and Wells Fargo Bank N.A.

[48] *See* Clearing Requirement Determination under Section 2(h) of the CEA, 77 FR 74284, 74285 (Dec. 13, 2013).

[49] *See* Guidance regarding when a non-U.S. person generally would be considered to be an affiliate conduit.

[50] The Commission notes that Transaction-Level Requirements apply on a transaction-by-transaction basis. As described in the Guidance, if a Substituted Compliance Determination is applicable to the jurisdiction in which a non-U.S. SD or non-U.S. MSP is established and that entity enters into a swap (either in the jurisdiction in which it is established or another jurisdiction), then the entity can elect to comply with either the regulatory regime of the jurisdiction in which it is established for which the Substituted Compliance Determination has been made, or the comparable Category A Transaction-Level Requirements.

[51] If an SD or MSP established in any other jurisdiction files an application for registration before December 21, 2013, the Commission may consider a request for deferring compliance with the Transaction-Level Requirements if a substituted compliance request is filed concurrently with the application.

[52] The Commission has adopted regulations for determining when a swap is ''available to trade'' and a compliance schedule for the trade execution requirement that applies when a swap subject to mandatory clearing is available to trade. At the present time, no swap either has been determined to be made available to trade or is subject to the trade execution requirement. *See* Process for a Designated Contract Market or Swap Execution Facility To Make a Swap Available to Trade, Swap Transaction Compliance and Implementation Schedule, and Trade Execution Requirement Under the Commodity Exchange Act, 78 FR 33606 (Jun. 4, 2013). *See* CEA section 2(h)(8) and 17 CFR 37.12 or 38.11.

[53] The Commission anticipates that non-U.S. SD and MSPs may require additional time after a Substituted Compliance Determination in order to phase in compliance with the relevant requirements of the jurisdiction in which the non-US SD or MSP is established. The Commission and its staff intend to address the need for any further transitional relief at the time that the subject Substituted Compliance Determination is made.

publication of the Guidance in the **Federal Register**.[54]

In addition, under this Exemptive Order, for swaps transactions with guaranteed affiliates of a U.S. person, a non-U.S. SD or a non-U.S. MSP established in any jurisdiction other than Australia, Canada, European Union, Hong Kong, Japan or Switzerland may comply with any law and regulations of the home jurisdiction where such non-U.S. SD or non-U.S. MSP is established (and only to the extent required by such jurisdiction) in lieu of complying with any Transaction-Level Requirement for which substituted compliance would be possible under the Commission's Guidance until 75 days after the publication of the Guidance in the **Federal Register**.

iii. Application to Non-Registrants

Under this Exemptive Order, for swaps transactions between a guaranteed affiliate of a U.S. person (established in any jurisdiction outside the United States) that is not registered as a SD or MSP and another guaranteed affiliate of a U.S. person(established in any jurisdiction outside the United States) that is not registered as a SD or MSP, such non-registrants may comply with any law and regulations of the jurisdiction where they are established (and only to the extent required by such jurisdictions) for the relevant Transaction-Level Requirement in lieu of complying with any Transaction-Level Requirement for which substituted compliance would be possible under the Commission's Guidance until 75 days after the publication of the Guidance in the **Federal Register**.

IV. Section 4(c) of the CEA

Section 4(c)(1) of the CEA authorizes the Commission to ''promote responsible economic or financial innovation and fair competition'' by exempting any transaction or class of transaction from any of the provisions of the CEA (subject to certain exceptions) where the Commission determines that the exemption would be consistent with the public interest and the purposes of the CEA.[55] Under section 4(c)(2) of the CEA, the Commission may not grant exemptive relief unless it determines that: (1) The exemption is appropriate for the transaction and consistent with the public interest; (2) the exemption is consistent with the purposes of the CEA; (3) the transaction will be entered into solely between ''appropriate persons;'' and (4) the exemption will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory responsibilities under the CEA.

The Commission has determined that the Exemptive Order meets the requirements of CEA section 4(c). First, in enacting section 4(c), Congress noted that the purpose of the provision ''is to give the Commission a means of providing certainty and stability to existing and emerging markets so that financial innovation and market development can proceed in an effective and competitive manner.''[56] Like the January Order, the Commission is issuing this relief in order to ensure an orderly transition to the Dodd-Frank regulatory regime.

This exemptive relief also will advance the congressional mandate concerning harmonization of international standards with respect to swaps, consistent with section 752(a) of the Dodd-Frank Act. In that section, Congress directed that, in order to ''promote effective and consistent global regulation of swaps and security-based swaps,'' the Commission, ''as appropriate, shall consult and coordinate with foreign regulatory authorities on the establishment of consistent international standards with respect to the regulation'' of swaps and security-based swaps.[57] This relief, by providing non-U.S. registrants the latitude necessary to develop and modify their compliance plans as the regulatory structure in their respective home jurisdictions evolve, will promote the adoption and enforcement of robust and consistent standards across jurisdictions. The Commission emphasizes that the Exemptive Order is temporary in duration and reserves the Commission's enforcement authority, including its anti-fraud and anti-manipulation authority. As such, the Commission has determined that the Exemptive Order is consistent with the public interest and purposes of the CEA. For similar reasons, the Commission has determined that the Exemptive Order will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under the CEA. Finally, the Commission has determined that the Exemptive Order is limited to appropriate persons within the meaning of CEA section 4c(3), since the SDs and MSPs eligible for the relief are likely to be the types of entities enumerated in that section and active in the swaps market. Therefore, upon due consideration, pursuant to its authority under section 4(c) of the CEA, the Commission hereby issues the Exemptive Order.

V. Paperwork Reduction Act

The Paperwork Reduction Act (''PRA'')[58] imposes certain requirements on Federal agencies in connection with their conducting or sponsoring any collection of information as defined by the PRA. 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 control number.

The Exemptive Order does not require the collection of any information as defined by the PRA.

VI. Cost-Benefit Considerations

Section 15(a) of the CEA[59] requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders. Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

A. Introduction

Throughout the Dodd-Frank rulemaking process, the Commission has strived to ensure that new regulations designed to achieve Dodd-Frank's protections are implemented in a manner that is both timely and also minimizes unnecessary market disruption. In its effort to implement the Dodd-Frank regulations on a cross-border basis, the Commission's approach has not been different. In this respect, the Commission has attempted to be responsive to industry's concerns regarding implementation and the timing of new compliance obligations, and thereby to ensure that market practices would not be unnecessarily disrupted during the transition to the new swaps regulatory regime. At the same time, however, the Commission has endeavored to comply with the

[54] *See* discussion, *supra*.

[55] CEA section 4(c)(1), 7 U.S.C. 6(c)(1).

[56] H.R. Conf. Rep. No. 102–978, 1992 U.S.C.C.A.N. 3179, 3213 (1992).

[57] *See* section 752(a) of the Dodd-Frank Act.

[58] 44 U.S.C. 3501 *et seq.*

[59] 7 U.S.C. 19(a).

Congressional mandate to implement the new SD and MSP regulatory scheme in a timely manner. The Commission, therefore, also seeks to ensure that the implementation of these requirements is not subject to undue delay. The Commission believes that the Exemptive Order strikes the proper balance between promoting an orderly transition to the new regulatory regime under the Dodd-Frank Act, while appropriately tailoring relief to ensure that market practices are not unnecessarily disrupted during such transition.

The Exemptive Order also reflects the Commission's recognition that international coordination is essential in this highly interconnected global market, where risks are transmitted across national borders and market participants operate in multiple jurisdictions.[60] The Exemptive Order would allow market participants to implement the calculations related to SD and MSP registration on a uniform basis and to delay compliance with certain Dodd-Frank requirements while the Commission continues to work closely with other domestic financial regulatory agencies and its foreign counterparts in an effort to further harmonize the cross-border regulatory framework.

B. Consideration of Costs and Benefits of the Exemptive Order

The Exemptive Order permits, subject to the conditions specified therein, market participants outside the United States to: (i) Apply the January Order's limited, interim definition of the term ''U.S. person'' for a period of 75 days; (ii) make the SD and MSP registration calculations in accordance with the January Order's guidance for a period of 75 days; and (iii) delay compliance with certain Dodd-Frank requirements specified in the Exemptive Order. The Exemptive Order reflects the Commission's determination to protect U.S. persons and markets through the cross-border application of the provisions of the Dodd-Frank Act and the Commission's regulations in a manner consistent with section 2(i) of the CEA and longstanding principles of international comity. By carefully tailoring the scope and extent of the phasing-in provided by the Exemptive Order, the Commission believes that it achieves an appropriately balanced approach to implementation that mitigates the costs of compliance while avoiding open-ended delay in protecting the American public from swaps activities overseas. To be sure, the conditions attached to the Exemptive Order are not without cost, but the Commission believes that the phasing-in of certain Dodd-Frank requirements as permitted by the Exemptive Order will reduce overall costs to market participants.

In the absence of the Exemptive Order, non-U.S. SDs or MSPs would be required to be fully compliant with the Dodd-Frank regulatory regime without further delay. The Exemptive Order allows non-U.S. SDs and MSPs (and foreign branches of U.S. SDs and MSPs) to delay compliance with a number of these requirements until (at latest) December 21, 2013. With respect to these entities, therefore, the benefits include not only the avoided costs of compliance with certain requirements during the time that the Exemptive Order is in effect, but also increased efficiency, because the additional time allowed to phase in compliance will allow market participants more flexibility to implement compliance in a way that is compatible with their systems and practices. The additional time provided by the Exemptive Order will also give foreign regulators more time to adopt regulations covering similar topics, which could increase the likelihood that substituted compliance will be an option for market participants. Thus, the Exemptive Order is expected to help reduce the costs to market participants of implementing compliance with certain Dodd-Frank requirements. These and other costs and benefits are considered below.

1. Costs

The costs of the Exemptive Order are similar to those of the January Order. One potential cost, which is difficult to quantify, is the potential that the relief provided herein—which will delay the application of certain Dodd-Frank requirements to non-US SDs and MSPs and to foreign branches of U.S. SDs and MSPs—will leave market participants without certain protections and will leave U.S. taxpayers exposed to systemic risks. As with the January Order, however, the Commission believes that these risks are mitigated by the relatively short time period of the Exemptive Order's application.

When the Commission issued the January Order, it also considered the possibility that the order could result in competitive disparities from the delay in compliance permitted to non-U.S. market participants, discouraging potential non-U.S. counterparties from engaging in swaps with U.S. persons. As the Commission noted in the January Order, it was difficult to estimate quantitatively the potential negative effects that the January Order would have on U.S. SDs and MSPs. Similarly, while the Commission cannot exclude the possibility that the Exemptive Order could result in negative competitive effects on U.S. SDs and MSPs, it would be difficult to estimate those potential negative effects quantitatively. Nevertheless, the Commission notes that, in the six months since it issued the January Order, it has not observed significant competitive disparities that discouraged potential non-U.S. counterparties from engaging in swaps with U.S. SDs and MSPs. Given the short time period of the Exemptive Order's application, the Commission believes it is unlikely that the Exemptive Order (which is more limited in scope than the January Order) will cause significant competitive disparities that will harm U.S. SDs and MSPs.

2. Benefits

As with the January Order, the primary benefit of the Exemptive Order is that it affords entities additional time to come into compliance with certain of the Commission's regulations. By phasing in (1) the term ''U.S. person,'' (2) SD and MSP calculations, and (3) the application of various Entity- and Transaction-Level requirements to persons in six jurisdictions outside the U.S., the Exemptive Order will reduce compliance costs for such persons. This relief will provide market participants with the additional time that they need for an orderly transition and will allow market participants to apply the Dodd-Frank requirements flexibly to their particular circumstances.

Importantly, the Exemptive Order allows non-U.S. SDs and non-U.S. MSPs and foreign branches of U.S. SDs and MSPs from six jurisdictions to delay compliance with Entity-Level Requirements (as defined in the Exemptive Order) and Transaction-Level Requirements (other than clearing and trade execution) for which substituted compliance is possible, as described in the Guidance. This delay will permit the Commission to properly develop the scope and standards of its ''substituted compliance'' regime by allowing foreign regulators additional time to implement regulatory changes necessary to facilitate the Commission's determination of comparability.

[60] *See generally* CFTC–SEC Joint Report on International Swap Regulation Required by Section 719(c) of the Dodd-Frank Wall Street Reform and Consumer Protection Act at 105–09 (Jan. 31, 2012), available at *http://www.cftc.gov/ucm/groups/public/@swaps/documents/file/dfstudy_isr_013112.pdf.*

C. Section 15(a) Factors

1. Protection of Market Participants and the Public

The exemptive relief provided in the Exemptive Order will protect market participants and the public by facilitating a more orderly transition to the new regulatory regime than might otherwise occur in the absence of the order. In particular, non-U.S. persons are afforded additional time to come into compliance than would otherwise be the case, which contributes to greater stability and reliability of the swaps markets during the transition process.

2. Efficiency, Competitiveness, and Financial Integrity of the Markets

The Commission believes that the efficiency and integrity of the markets will be furthered by the additional compliance time provided in the Exemptive Order. As discussed above, the Commission is mindful of the possibility that the Exemptive Order could potentially cause competitive disparities, but believes it is unlikely that the Exemptive Order will cause significant competitive disparities that will harm U.S. SDs and MSPs.

3. Price Discovery

The Commission has not identified any costs or benefits of the Exemptive Order with respect to price discovery.

4. Risk Management

As with the January Order, application of Entity-Level risk management and capital requirements to non-U.S. SDs and MSPs could be delayed by operation of the Exemptive Order, which could weaken risk management. However, such potential risk is limited by the fact that the Exemptive Order is applicable for a finite time.

5. Other Public Interest Considerations

The Commission has not identified any other public interest considerations relating to costs or benefits of the Exemptive Order.

VII. Exemptive Order

The Commission, in order to provide for an orderly implementation of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), and consistent with the determinations set forth above, which are incorporated in the Exemptive Order by reference, hereby grants, pursuant to section 4(c) of the Commodity Exchange Act (''CEA''), time-limited relief to non-U.S. swap dealers (''SDs'') and major swap participants (''MSPs'') and to foreign branches of U.S. SDs and MSPs, from certain swap provisions of the CEA, subject to the terms and conditions below.

(1) *Phase-in of ''U.S. Person'' Definition:* For purposes of the Exemptive Order, from July 13, 2013 until 75 days after the Interpretive Guidance and Policy Statement Regarding Compliance with Certain Swap Regulations (''Guidance'') is published in the **Federal Register**, all market participants, including a prospective or registered SD or MSP, must apply a ''U.S. person'' definition which would define the term as:

(i) A natural person who is a resident of the United States;

(ii) A corporation, partnership, limited liability company, business or other trust, association, joint-stock company, fund or any form of enterprise similar to any of the foregoing, in each case that is (A) organized or incorporated under the laws of a state or other jurisdiction in the United States or (B) for all such entities other than funds or collective investment vehicles, having its principal place of business in the United States;

(iii) A pension plan for the employees, officers or principals of a legal entity described in (ii) above, unless the pension plan is primarily for foreign employees of such entity;

(iv) An estate of a decedent who was a resident of the United States at the time of death, or a trust governed by the laws of a state or other jurisdiction in the United States if a court within the United States is able to exercise primary supervision over the administration of the trust; or

(v) An individual account or joint account (discretionary or not) where the beneficial owner (or one of the beneficial owners in the case of a joint account) is a person described in (i) through (iv) above.

Until 75 days after the Guidance is published in the **Federal Register**, any person not listed in (i) to (v) above is a ''non-U.S. person'' for purposes of the Exemptive Order.

(2) *Phase-In of Guaranteed Affiliates and ''Affiliate Conduits'':* Guaranteed affiliates and affiliate conduits do not need to comply with Transaction-Level Requirements relating to swaps with non-U.S. persons and foreign branches of U.S. swap dealers and MSPs until 75 days after the Final Guidance is published in the **Federal Register**.

(3) *De Minimis SD and MSP Threshold Calculations:* From July 13, 2013 until 75 days after the Guidance is published in the **Federal Register**, a non-U.S. person is not required to include, in its calculation of the aggregate gross notional amount of swaps connected with its swap dealing activity for purposes of Commission regulation 1.3(ggg)(4), or in its calculation of whether it is an MSP for purposes of Commission regulation 1.3(hhh):

(i) Any swap where the counterparty is not a U.S. person, or

(ii) Any swap where the counterparty is a foreign branch of a U.S. person that is registered as an SD.

(4) *Aggregation for Purposes of the De Minimis Calculation:* From July 13, 2013 until 75 days after the Guidance is published in the **Federal Register**, a non-U.S. person that was engaged in swap dealing activities with U.S. persons as of December 21, 2012 is not required to include, in its calculation of the aggregate gross notional amount of swaps connected with its swap dealing activity for purposes of Commission regulation 1.3(ggg)(4), the aggregate gross notional amount of swaps connected with the swap dealing activity of its U.S. affiliates under common control.[61] Further, from July 13, 2013 until 75 days after the Guidance is published in the **Federal Register**, a non-U.S. person that was engaged in swap dealing activities with U.S. persons as of December 21, 2012 and is an affiliate under common control with a person that is registered as an SD is also not required to include, in its calculation of the aggregate gross notional amount of swaps connected with its swap dealing activity for purposes of Commission regulation 1.3(ggg)(4), the aggregate gross notional amount of swaps connected with the swap dealing activity of any non-U.S. affiliate under common control that is either (i) engaged in swap dealing activities with U.S. persons as of December 21, 2012 or (ii) registered as an SD. Also, from July 13, 2013 until 75 days after the Guidance is published in the **Federal Register**, a non-U.S. person is not required to include, in its calculation of the aggregate gross notional amount of swaps connected with its swap dealing activity for purposes of Commission regulation 1.3(ggg)(4), the aggregate gross notional amount of swaps connected with the swap dealing activity of its non-U.S. affiliates under common control with

[61] For this purpose, the Commission construes ''affiliates'' to include persons under common control as stated in the Commission's final rule further defining the term ''swap dealer,'' which defines control as ''the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract or otherwise.'' *See* Final Entities Rules, 77 FR at 30631, n. 437.

other non-U.S. persons as counterparties.

(5) *SD Registration:* A non-U.S. person that was previously exempt from registration as an SD because of the temporary relief extended to such person under the Commission's exemptive order issued on January 7, 2013,[62] but that is required to register as an SD under Commission regulation § 1.3(ggg)(4) because of changes to the scope of the term ''U.S. person'' or changes in the de minimis SD calculation or aggregation for purposes of the de minimis calculation, is not required to register as an SD until two months after the end of the month in which such person exceeds the de minimis threshold for SD registration.

(6) *Entity-Level Requirements:*

(i) *Non-U.S. SDs and non-U.S. MSPs.* Except as provided in (ii) of this paragraph 6, a non-U.S. SD or non-U.S. MSP established in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland need not comply with any Entity-Level Requirement[63] for which substituted compliance is possible under the Commission's Guidance until the earlier of December 21, 2013 or 30 days following the issuance of an applicable substituted compliance determination under the Guidance (''Substituted Compliance Determination'') for the relevant Entity-Level Requirement of the jurisdiction in which the non-U.S. SD or non-U.S. MSP is established.

(ii) Notwithstanding paragraph (6)(i), non-U.S. SDs and non-U.S. MSPs established in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland that are not part of an affiliated group in which the ultimate parent entity is a U.S. SD, U.S. MSP, U.S. bank, U.S. financial holding company, or U.S. bank holding company may delay compliance with the swap data repository (''SDR'') reporting requirements of part 45 and part 46 of the Commission's regulations with respect to swaps with non-U.S. counterparties on the condition that, during the relief period: (1) Such non-U.S. SDs and non-U.S. MSPs are in compliance with the swap data recordkeeping and reporting requirements of their home jurisdictions; or (2) where no swap data reporting requirements have been implemented in their home jurisdictions, such non-U.S. SDs and non-U.S. MSPs comply with the recordkeeping requirements of Regulations 45.2, 45.6, 46.2 and 46.4. This relief will expire the earlier of December 21, 2013 or, in the event of a Substituted Compliance Determination for the regulatory requirements of parts 45 and 46 of the jurisdiction in which the non-U.S. SD or non-U.S. MSP is established, 30 days following the issuance of such Substituted Compliance Determination.[64]

(7) *Transaction-Level Requirements Applicable to Non-U.S. SDs and MSPs.*[65] A non-U.S. SD or non-U.S. MSP established in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland may comply with any law and regulations of the home jurisdiction where such non-U.S. SD or non-U.S. MSP is established (and only to the extent required by such jurisdiction) in lieu of complying with any Transaction-Level Requirement for which substituted compliance would be possible under the Commission's Guidance (other than a clearing requirement under CEA section 2(h)(1), Commission regulations under part 50, and Commission regulation 23.506; a trade execution requirement under CEA section 2(h)(8) and regulation 37.12 or 38.11;[66] or a real-time reporting requirement under part 43 of the Commission regulations for swaps with guaranteed affiliates of a U.S. person),[67] until the earlier of December 21, 2013 or 30 days following the issuance of a Substituted Compliance Determination for the relevant regulatory requirement of the jurisdiction in which the non-U.S. SD or non-U.S. MSP is established.

(8) With respect to a swap that is subject to a clearing requirement under CEA section 2(h)(1), Commission regulations under part 50, and Commission regulation 23.506, any non-U.S. SD or non-U.S. MSP that was not required to clear under the January Order may delay complying with such clearing requirement until 75 days after the publication of the Guidance in the **Federal Register**.

(9) For swaps transactions with guaranteed affiliates of a U.S. person, a non-U.S. SD or non-U.S. MSP established in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland may comply with any law and regulations of the home jurisdiction where such non-U.S. SD or non-U.S. MSP is established related to real-time reporting requirements (and only to the extent required by such home jurisdiction) in lieu of complying with the real-time reporting requirements of part 43 of the Commission regulations, until September 30, 2013.

(10) For swaps transactions with guaranteed affiliates of a U.S. person, a non-U.S. SD or a non-U.S. MSP established in jurisdiction other than Australia, Canada, European Union, Hong Kong, Japan or Switzerland may comply with any law and regulations of

[62] Final Exemptive Order Regarding Compliance with Certain Swap Regulations, 78 FR 858 (Jan. 7, 2013) (''January Order'').

[63] For purposes of the Exemptive Order, the term ''Entity-Level Requirements'' refers to the requirements set forth in Commission regulations 3.3, 23.201, 23.203, 23.600, 23.601, 23.602, 23.603, 23.605, 23.606, 23.608, 23.609, and parts 45 and 46. The Commission notes that it has not yet finalized regulations regarding capital adequacy or margin and segregation for uncleared swaps. In the event that the Commission finalizes regulations regarding capital adequacy or margin and segregation for uncleared swaps before December 21, 2013, non-U.S. SDs and non-U.S. MSPs would comply with such requirements in accordance with any compliance date provided in the relevant rulemaking.

[64] Commission staff also extended no-action relief regarding reporting in the cross-border context to address privacy law conflicts. *See* CFTC Division of Market Oversight, Time-Limited No-Action Relief Permitting Part 45 and Part 46 Reporting Counterparties to Mask Legal Entity Identifiers, Other Enumerated Identifiers and Other Identifying Terms and Permitting Part 20 Reporting Entities to Mask Identifying Information, with respect to certain Enumerated Jurisdictions, No-Action Letter No. 13–41 (Jun. 28, 2013).

[65] For purposes of the Exemptive Order, the term ''Transaction-Level Requirements'' refers to the requirements set forth in Commission regulations 23.202, 23.205, 23.400 to 23.451, 23.501, 23.502, 23.503, 23.504, 23.505, 23.506, 23.610 and parts 43 and 50. The Commission notes that (1) it has not yet finalized regulations regarding margin and segregation for uncleared swaps and (2) it has not yet determined that any swap is ''available to trade'' such that a trade execution requirement applies to the swap.

In addition, to the extent that a guaranteed affiliate is given exemptive relief from any particular Transaction-Level Requirement under this Exemptive Order, the same exemptive relief would apply to affiliate conduits.

[66] The Commission has adopted regulations for determining when a swap is ''available to trade'' and a compliance schedule for the trade execution requirement that applies when a swap subject to mandatory clearing is available to trade. At the present time, no swaps no swap either has been determined to be made available to trade or is subject to a trade execution requirement. *See* Process for a Designated Contract Market or Swap Execution Facility To Make a Swap Available to Trade, Swap Transaction Compliance and Implementation Schedule, and Trade Execution Requirement Under the Commodity Exchange Act, 78 FR 33606 (Jun. 4, 2013). *See* CEA section 2(h)(8) and 17 CFR 37.12 or 38.11.

[67] As used in the Exemptive Order, the term ''guaranteed affiliate'' refers to a non-U.S. person that is affiliated with a U.S. person and guaranteed by a U.S. person. In addition, for purposes of the Exemptive Order, the Commission interprets the term ''guarantee'' generally to include not only traditional guarantees of payment or performance of the related swaps, but also other formal arrangements that, in view of all the facts and circumstances, support the non-U.S. person's ability to pay or perform its swap obligations with respect to its swaps. *See* Cross-Border Application of Certain Swaps Provisions of the Commodity Exchange Act, 77 FR 41214, 41221 n. 47 (Jul. 12, 2012). The term ''guarantee'' encompasses the different financial arrangements and structures that transfer risk directly back to the United States. In this regard, it is the substance, rather than the form, of the arrangement that determines whether the arrangement should be considered a guarantee for purposes of the Exemptive Order.

the home jurisdiction where such non-U.S. SD or non-U.S. MSP is established (and only to the extent required by such jurisdiction) in lieu of complying with any Transaction-Level Requirement for which substituted compliance would be possible under the Commission's Guidance until 75 days after the publication of the Guidance in the **Federal Register**.

(11) *U.S. Registrants:* The Exemptive Order does not apply to a U.S. person that is required to register as an SD or MSP. Notwithstanding the previous sentence, a foreign branch of a U.S. SD or MSP located in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland may comply with any law and regulations of the jurisdiction where the foreign branch is located (and only to the extent required by such jurisdiction) for the relevant Transaction-Level Requirement in lieu of complying with any Transaction-Level Requirement for which substituted compliance would be possible under the Commission's Guidance (other than a clearing requirement under CEA section 2(h)(1), Commission regulations under part 50, and Commission regulation 23.506; a trade execution requirement under CEA section 2(h)(8) and regulation 37.12 or 38.11;[68] or a real-time reporting requirement under part 43 of the Commission regulations for swaps with guaranteed affiliates of a U.S. person), until the earlier of December 21, 2013 or 30 days following the issuance of a Substituted Compliance Determination for the relevant Transaction-Level Requirement in the applicable jurisdiction in which the foreign branch is located.

(12) With respect to a swap that is subject to the clearing requirement under CEA section 2(h)(1), Commission regulations under part 50, and Commission regulation 23.506, any foreign branch of a U.S. SD or MSP that was not required to clear under the January Order may delay complying with such clearing requirement until 75 days after the publication of the Guidance in the **Federal Register**.

(13) For swaps transactions with guaranteed affiliates of a U.S. person, a foreign branch of a U.S. SD or MSP located in Australia, Canada, the European Union, Hong Kong, Japan or Switzerland may comply with the law and regulations of the jurisdiction where the foreign branch is located related to real-time reporting (and only to the extent required by such jurisdiction) in lieu of complying with the real-time reporting requirements of part 43 of the Commission regulations until September 30, 2013.

(14) A foreign branch of a U.S. SD or MSP located in any jurisdiction other than Australia, Canada, European Union, Hong Kong, Japan or Switzerland may comply with any law and regulations of the jurisdiction where the foreign branch is located (and only to the extent required by such jurisdiction) for the relevant Transaction-Level Requirement in lieu of complying with any Transaction-Level Requirement for which substituted compliance would be possible under the Commission's Guidance until 75 days after the publication of the Guidance in the **Federal Register**.

(15) For swaps transactions between a guaranteed affiliate of a U.S. person (established in any jurisdiction outside the United States) that is not registered as a SD or MSP and another guaranteed affiliate of a U.S. person (established in any jurisdiction outside the United States) that is not registered as a SD or MSP, such non-registrants may comply with any law and regulations of the jurisdiction where they are established (and only to the extent required by such jurisdiction) for the relevant Transaction-Level Requirement in lieu of complying with any Transaction-Level Requirement for which substituted compliance would be possible under the Commission's Guidance until 75 days after the publication of the Guidance in the **Federal Register**.

(16) *Inter-Affiliate Exemption.* Where one of the counterparties is electing the Inter-Affiliate Exemption, nothing in this Exemptive Order affects or eliminates the obligation of any party to comply with the conditions of the Inter-Affiliate Exemption, including the treatment of outward-facing swaps condition in Commission regulation 50.52(b)(4)(i).

(17) *Expiration of Relief:* The relief provided to non-U.S. SDs, non-U.S. MSPs and foreign branches of a U.S. SD or U.S. MSP in this order shall be effective on July 13, 2013 and expire on December 21, 2013 or such earlier date specified in the Order.

(18) *Scope of Relief:* The time-limited relief provided in this order: (i) Shall not affect, with respect to any swap within the scope of this order, the applicability of any other CEA provision or Commission regulation (*i.e.,* those outside the Entity-Level and Transaction-Level Requirements); (ii) shall not limit the applicability of any CEA provision or Commission regulation to any person, entity or transaction except as provided in this order; (iii) shall not affect the applicability of any provision of the CEA or Commission regulation to futures contracts, or options on futures contracts; and (iv) shall not affect any effective or compliance date set forth in any Dodd-Frank Act rulemaking by the Commission. Nothing in this order affects the Commission's enforcement authority, including its anti-fraud and anti-manipulation authority.

Issued in Washington, DC, on July 16, 2013, by the Commission.

Melissa D. Jurgens,

Secretary of the Commission.

Appendices to Exemptive Order Regarding Compliance With Certain Swap Regulations—Commission Voting Summary and Chairman's Statement

Appendix 1—Commission Voting Summary

On this matter, Chairman Gensler and Commissioners Chilton and Wetjen voted in the affirmative. Commissioner O'Malia voted in the negative.

Appendix 2—Statement of Chairman Gary Gensler

I support the Exemptive Order Regarding Compliance with Certain Swap Regulations (Order). With this Commission action another important step has been taken to make swaps market reform a reality.

Since the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd Frank Act), the Commission has worked steadfastly toward a transition from an opaque unregulated marketplace to a transparent, regulated swaps marketplace and has phased in the timing for compliance to give market participants time to adjust to the new regulatory regime and smooth the transition. The Order provides a phased-in compliance period for foreign swap dealers (including overseas affiliates of U.S. persons) and overseas branches of U.S. swap dealers with respect to certain requirements of the Dodd-Frank Act.

Today's Order is a continuation of the Commission's commitment to this phasing of compliance—in this case for foreign market participants—and follows upon the Commission's January 2013 phase-in exemptive order, which expired on July 12, 2013. The Order will remain in effect until December 21, 2013, and is intended to complement other Commission and staff actions that facilitate an orderly transition.

As of July 12th, 80 swap dealers have registered with the Commission. Of these, 35

[68] The Commission has adopted regulations for determining when a swap is ''available to trade'' and a compliance schedule for the trade execution requirement that applies when a swap subject to mandatory clearing is available to trade. At the present time, no swap either has been determined to be made available to trade or is subject to a trade execution requirement. *See* Process for a Designated Contract Market or Swap Execution Facility To Make a Swap Available to Trade, Swap Transaction Compliance and Implementation Schedule, and Trade Execution Requirement Under the Commodity Exchange Act, 78 FR 33606 (Jun. 4, 2013). *See* CEA section 2(h)(8) and 17 CFR 37.12 or 38.11.

are established in jurisdictions other than United States, including Australia, Canada, the European Union, Hong Kong, Japan, and Switzerland.

The Order provides for a phase-in of the cross-border application of Dodd-Frank requirements. Such phase-in period provides for 75 days following the publication of the Order in the **Federal Register** for market participants to adapt to the cross-border application of the Dodd-Frank requirements. This relates to, for example, who is a U.S. person, swap activity conducted by or with affiliates that are guaranteed by a U.S. person, swap activity conducted by or with overseas branches of U.S. based swap dealers, the aggregation guidelines applicable to a group of affiliates for the purpose of determining whether a specific affiliate is required to register as a swap dealer, and identifying relevant transactions for the purpose of the swap dealer registration de minimis calculation.

Thus, within several months, the public will gain greater protections as hedge funds, organized in the Cayman Islands, but with their principal place of business here in the U.S., will be subject to reforms applicable to all other U.S. persons, including the clearing requirement.

Secondly, during the transitional period through December 21st, a foreign swap dealer may phase in compliance with certain entity-level requirements. In addition, those entities (as well as foreign branches of U.S. swap dealers) are provided time-limited relief from specified transaction-level requirements when transacting with overseas affiliates guaranteed by U.S. entities (as well as with foreign branches of U.S. swap dealers).

The phase-in period provides time for the Commission to work with foreign regulators to consider their jurisdictions' submissions related to substituted compliance. Substituted compliance, where appropriate, would allow for foreign swap dealers to meet the reform requirements of the Dodd-Frank Act by complying with comparable and comprehensive foreign regulatory requirements. With respect to any transaction with a U.S. person, though, compliance will be required in accordance with previously issued rules and staff guidance.

To this end, the Commission has received substituted compliance submissions from market participants or regulators located in Australia, Canada, the European Union, Hong Kong, Japan and Switzerland. Commission staff has actively engaged in substantive discussions and active coordination with the appropriate regulators in these jurisdictions as an integral part of the submission review process.

Now, 3-years after the passage of financial reform, and a full year after the Commission proposed guidance with regard to the cross border application of reform, it is time for reforms to properly apply to and cover those activities that, as identified by Congress in section 722(d) of the Dodd-Frank Act, have ''a direct and significant connection with activities in, or effect on, commerce of the United States.'' With the additional transitional phase in period provided by this Order, it is now time for the public to get the full benefit of the transparency and the measures to reduce risk included in Dodd Frank reforms.

[FR Doc. 2013–17467 Filed 7–19–13; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 513

Indebtedness of Military Personnel

AGENCY: Department of the Army, DoD.

ACTION: Final rule; removal.

SUMMARY: This action removes regulations concerning indebtedness of military personnel. The regulations are being removed because they are obsolete and no longer govern policies and procedures for handling debt claims against soldiers. These rules in the Army Regulation have been superseded. Program responsibility has been transferred to the Defense Finance and Accounting Services (DFAS), which directs all policy for personnel finances across the services. The removal of the regulations is part of DoD's retrospective plan under Executive Order 13563 completed in August 2011.

DATES: Effective July 22, 2013.

ADDRESSES: Department of the Army, Office of the Deputy Chief of Staff, G–1, DAPE–HR, 200 Army Pentagon, Washington, DC 20310–0300.

DoD's full retrospective plan under E.O. 13563 can be accessed at: *http://exchange.regulations.gov/exchange/topic/eo-13563.*

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl Moman, (703) 325–0050.

SUPPLEMENTARY INFORMATION: The responsibility for this program was originally with the Department of the Army and was published as 32 CFR Part 513. The program responsibility was transferred to DFAS and now covered by Department of Defense policy and guidance codified at 32 CFR Part 112, ''Indebtedness of Military Personnel,'' and DoD Financial Management Review (FMR), Volume 7a, ''Stoppages and Collections.'' Therefore, to avoid confusion with the public, 32 CFR Part 513 is removed, which was established in the **Federal Register**, March 3, 1986 (51 FR 7268). Rules in the Army Regulation have been superseded by Department of Defense (DoD) policy and guidance covered in DoD Instruction 1344.09, ''Indebtedness of Military Personnel,'' [1] and codified at 32 CFR Part 112, and DoD Financial Management Review (FMR), Volume 7a, ''Stoppages and Collections.'' [2]

List of Subjects in 32 CFR Part 513

Credit, Military personnel.

PART 513—[REMOVED]

Accordingly, for reasons stated in the preamble, under the authority of 10 U.S.C. 3012, 32 CFR part 513, Indebtedness of Military Personnel, is removed in its entirety.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

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BILLING CODE 3710–08–P

[1] Available online at *http://www.dtic.mil/whs/directives/corres/pdf/134409p.pdf*

[2] Available online at *http://comptroller.defense.gov/fmr/archive/07aarch/07a50.pdf*

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0535]

Drawbridge Operation Regulation; China Basin, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Third Street Drawbridge across the China Basin, mile 0.0 at San Francisco, CA. The deviation is necessary to allow the bridge to be part of the staging area for runners participating in the scheduled Giant Race event. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 6 a.m. to 11:30 a.m. on August 4, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0535], 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 David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil*. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The City of San Francisco Public Works Department has requested a temporary change to the operation of the Third Street Drawbridge, mile 0.0, over China Basin, at San Francisco, CA. The drawbridge navigation span provides 7 feet vertical clearance above Mean High Water in the closed-to-navigation position. The draw opens on signal if at least one hour notice is given as required by 33 CFR 117.149. Navigation on the waterway is recreational.

The drawspan will be secured in the closed-to-navigation position 6 a.m. to 11:30 a.m. on August 4, 2013, to allow runners to participate in the Giant Race event. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised. The drawspan can be operated upon one hour advance notice for emergencies requiring the passage of waterway traffic.

No alternative route is available for mariners. Vessels that can transit the bridge, while in the closed-to-navigation position, may continue to do so at any time.

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

Dated: June 19, 2013.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2013–17466 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2010–0280; FRL–9809–7]

RIN 2060–AR41

Protection of Stratospheric Ozone: The 2013 Critical Use Exemption From the Phaseout of Methyl Bromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is authorizing uses that qualify for the 2013 critical use exemption (CUE) and specifying the amount of methyl bromide that may be produced or imported for those uses. EPA is also amending the regulatory framework to remove certain requirements related to sale of pre-phaseout inventory for critical uses. EPA is taking this action under the authority of the Clean Air Act to reflect a consensus decision taken by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at the Twenty-Third Meeting of the Parties.

DATES: This rule is effective on July 22, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2010–0280. 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 is 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 Air and Radiation Docket, 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 Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For further information about this rule, contact Jeremy Arling by telephone at (202) 343–9055, or by email at *arling.jeremy@epa.gov* or by mail at U.S. Environmental Protection Agency, Stratospheric Protection Division, Stratospheric Program Implementation Branch (6205J), 1200 Pennsylvania Avenue NW., Washington, DC 20460. You may also visit the methyl bromide section of the Ozone Depletion Web site of EPA's Stratospheric Protection Division at *www.epa.gov/ozone/mbr* for further information about the methyl bromide critical use exemption, other Stratospheric Ozone Protection regulations, the science of ozone layer depletion, and related topics.

SUPPLEMENTARY INFORMATION: This rule concerns Clean Air Act (CAA) restrictions on the consumption, production, and use of methyl bromide (a Class I, Group VI controlled substance) for critical uses during calendar year 2013. Under the Clean Air Act, methyl bromide consumption (consumption is defined under section 601 of the CAA as production plus imports minus exports) and production were phased out on January 1, 2005, apart from allowable exemptions, such as the critical use and the quarantine and preshipment (QPS) exemptions. With this action, EPA is authorizing uses that qualify for the 2013 critical use exemption as well as specific amounts of methyl bromide that may be produced and imported for critical uses in 2013.

Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. Chapter 5, generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. EPA is issuing this final rule under section 307(d)(1) of the Clean Air Act, which states: ''The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this section, apply to actions to which this subsection applies.'' Thus, section 553(d) of the APA does not apply to this rule. EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this rule effective on July 22, 2013. APA section 553(d) allows an effective date less than 30 days after publication for a rule that ''that grants or recognizes an exemption or relieves a restriction.'' 5 U.S.C. 553(d)(1). Since today's action can be considered to either grant an exemption for limited critical uses during 2013 from the general prohibition on production or import of methyl bromide after the phaseout date of January 1, 2005, or relieve a restriction that would otherwise prevent production or import of methyl bromide or sale of pre-phaseout inventory for critical uses, EPA is making this action effective immediately upon publication.

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I. General Information

A. Regulated Entities

Entities and categories of entities potentially regulated by this action include producers, importers, and exporters of methyl bromide; applicators and distributors of methyl bromide; and users of methyl bromide that applied for the 2013 critical use exemption including growers of vegetable crops, fruits, and nursery stock, and owners of stored food commodities and structures such as grain mills and processors. This list is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility, company, business, or organization could be regulated by this action, you should carefully examine the regulations promulgated at 40 CFR part 82, subpart A. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding section.

II. What is the critical use exemption process?

A. Background of the Process

Article 2H of the Montreal Protocol established the critical use exemption provision. At the Ninth Meeting of the Parties in 1997, the Parties established the criteria for an exemption in Decision IX/6. In that Decision, the Parties agreed that ''a use of methyl bromide should qualify as 'critical' only if the nominating Party determines that: (i) The specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption; and (ii) there are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and public health and are suitable to the crops and circumstances of the nomination.'' EPA promulgated these criteria in the definition of ''critical use'' at 40 CFR 82.3. EPA recognizes that as the market for alternatives evolves, the thresholds for what constitutes ''significant market disruption'' or ''technical and economic feasibility'' may change. Such information has the potential to alter the technical or economic feasibility of an alternative and could thus cause EPA to modify the analysis that underpins EPA's determination as to which uses and what amounts of methyl bromide qualify for the CUE.

In addition, the Parties decided that production and consumption, if any, of methyl bromide for critical uses should be permitted only if a variety of conditions have been met, including that all technically and economically feasible steps have been taken to minimize the critical use and any associated emission of methyl bromide, that research programs are in place to develop and deploy alternatives and substitutes, and that methyl bromide is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide.

In response to EPA's request for critical use exemption applications published in the **Federal Register** on July 15, 2010 (75 FR 41177), applicants provided data on the technical and economic feasibility of using alternatives to methyl bromide. Applicants also submitted data on their use of methyl bromide, ongoing research programs into the use of alternatives to methyl bromide in their sector, and efforts to minimize use and emissions of methyl bromide.

EPA reviews the data submitted by applicants, as well as data from governmental and academic sources, to establish whether there are technically and economically feasible alternatives available for a particular use of methyl bromide, and whether there would be a significant market disruption if no exemption were available. In addition, an interagency workgroup reviews other parameters of the exemption applications such as dosage and emissions minimization techniques and applicants' research or transition plans. This assessment process culminates in the development of the U.S. critical use nomination (CUN). Annually since 2003, the U.S. Department of State has submitted a CUN to the United Nations Environment Programme (UNEP) Ozone Secretariat. The Methyl Bromide Technical Options Committee (MBTOC) and the Technology and Economic Assessment Panel (TEAP), which are advisory bodies to Parties to the Montreal Protocol, review each Party's CUN and make recommendations to the Parties on the nominations. The Parties then make Decisions on the authorization of critical use exemptions for particular Parties, including how much methyl bromide may be supplied for the exempted critical uses. As required in section 604(d)(6) of the CAA, for each exemption period, EPA consults with the United States Department of Agriculture (USDA) and other departments and institutions of the Federal government that have regulatory authority related to methyl bromide, and provides an opportunity for public comment on the amounts and specific uses of methyl bromide that the agency is proposing to exempt.

On February 4, 2011, the U.S. Government (USG) submitted the ninth *Nomination for a Critical Use Exemption for Methyl Bromide for the United States of America* to the Ozone Secretariat of UNEP. This nomination contained the request for 2013 critical uses. In February 2011, MBTOC sent questions to the USG concerning technical and economic issues in the 2013 nomination. The USG transmitted responses to MBTOC in February, 2011. These documents, together with reports by the advisory bodies noted above, are in the public docket for this rulemaking. The critical uses and amounts in this final rule reflect the analysis contained in those documents.

B. How Does this rule relate to previous critical use exemption rules?

The December 23, 2004, Framework Rule established the framework for the critical use exemption program in the United States, including definitions, prohibitions, trading provisions, and recordkeeping and reporting obligations. The preamble to the Framework Rule included EPA's determinations on key issues for the critical use exemption program.

Since publishing the Framework Rule, EPA has annually promulgated regulations to exempt specific quantities of production and import of methyl bromide, to determine the amounts that may be supplied from pre-phaseout inventory, and to indicate which uses meet the criteria for the exemption program for that year. See 71 FR 5985 (February 6, 2006), 71 FR 75386 (December 14, 2006), 72 FR 74118 (December 28, 2007), 74 FR 19878 (April 30, 2009), 75 FR 23167 (May 3, 2010), 76 FR 60737 (September 30, 2011), and 77 FR 29218 (May 17, 2012).

Today's action changes the EPA's approach for determining the amounts of Critical Use Allowances (CUAs) to be allocated for critical uses in 2013. A CUA is the privilege granted through 40 CFR part 82 to produce or import 1 kg of methyl bromide for an approved critical use during the specified control period. A control period is a calendar year. See 40 CFR 82.3. The control period at issue in this rule is 2013. These allowances expire at the end of the control period and, as explained in the Framework Rule, are not bankable from one year to the next. The CUA allocation is subject to the trading provisions at 40 CFR 82.12, which are discussed in section V.G. of the preamble to the Framework Rule.

Today's action also removes from the regulatory framework the restriction that limits the sale of inventory to critical uses through allocations of Critical Stock Allowances (CSA). A CSA was the right granted through 40 CFR part 82 to sell 1 kg of methyl bromide from inventory produced or imported prior to the January 1, 2005, phaseout date for an approved critical use during the specified control period. The Framework Rule established provisions governing the sale of pre-phaseout inventories for critical uses, including a prohibition on the sale of pre-phaseout inventories for critical uses in excess of the amount of CSAs held by the seller. The removal of this prohibition is discussed in more detail below.

C. Critical Uses

Today's action amends the table in 40 CFR part 82, subpart A, appendix L to reflect the agreed critical use categories identified in Decision XXIII/4. In that Decision, taken in November 2011, the Parties to the Protocol agreed ''to permit, for the agreed critical-use categories for 2013 set forth in table A of the annex to the present decision for each party, subject to the conditions set forth in the present decision and in decision Ex.I/4 to the extent that those conditions are applicable, the levels of production and consumption for 2013 set forth in table B of the annex to the present decision which are necessary to satisfy critical uses . . .'' The following uses are those set forth in table A of the annex to Decision XXIII/4 for the United States:

- Commodities
- Mills and food processing structures
- Dried cured pork
- Cucurbits
- Eggplant—field
- Nursery stock—fruit, nuts, flowers
- Orchard replants
- Ornamentals
- Peppers—field
- Strawberry—field
- Strawberry runners
- Tomatoes—field

EPA sought comment on the technical analysis contained in the U.S. nomination (available for public review in the docket), and information regarding any changes to the registration (including cancellations or registrations), use, or efficacy of alternatives that have occurred after the 2013 U.S. CUN was forwarded.

EPA received two comments about the critical use nomination process. One commenter stated that the process should be based in sound science, and be transparent, fair and objective. The nomination process should meet the critical need for methyl bromide from the industries and individuals that apply. The second commenter stated there is no meaningful opportunity for an applicant that is not included in the CUN to object or challenge the CUN.

EPA agrees with the comment that the nomination process should be based in sound science and meet the critical needs of the applicants. EPA also strives to make the process transparent, fair, and objective. EPA conducts a rigorous technical assessment of the applications and evaluates data and current research to establish an internationally defensible basis for the nominations. In doing so the agency works with the State Department, USDA, state pesticide agencies, researchers, fumigators and applicants to assess whether there are technically or economically feasible alternatives, and whether a significant market disruption would result from the lack of a CUE.

The U.S. CUN is submitted on behalf of the U.S. government by the Department of State to the Parties to the Montreal Protocol. The Department of State has an extensive stakeholder engagement process to solicit input on the U.S. CUN. Private parties are encouraged to participate in that process. In the most recent round, EPA has worked to further improve the transparency of the nomination process by collaborating more closely with the applicants than in previous years. Shortly after receiving the applications, EPA informed the applicants of any obvious data gaps and scheduled meetings to discuss the needed information. In some instances, EPA followed up with additional calls and meetings. As a result of this technical review, EPA may determine that an applicant has not sufficiently shown that the regulatory and Montreal Protocol criteria for a critical use are met. After submitting the 2015 nomination, EPA held calls with all the applicants to discuss the technical basis for the nomination and to show how future applications can be strengthened. EPA has posted on its Web site, and added to the docket, a schedule detailing upcoming deadlines and past interactions with applicants.

In addition, EPA received comment that the agency should clarify what constitutes a significant market disruption since the commenter considers the term to be vague and subject to various interpretations by EPA. The term ''significant market disruption'' is left to the discretion of each Party to the Protocol to interpret. The agency has previously provided its interpretation of the term, and EPA refers readers to the preamble for the 2006 CUE rule (71 FR 5989, February 6, 2006) as well as to the memo in the docket titled ''Development of 2003 Nomination for a Critical Use Exemption for Methyl Bromide for the United States of America'' for further elaboration. As explained in greater detail in those documents, EPA's interpretation of this term has several dimensions, including looking at potential effects on both demand and supply for a commodity, evaluating potential losses at both an individual level and at an aggregate level, and evaluating potential losses in both relative and absolute terms.

EPA received comment that all of the uses contained in the nomination be authorized as critical uses for 2013. EPA agrees and is not removing any uses, commodities or otherwise, that were nominated and approved by the Parties for use in 2013. EPA did not receive any data that would support removing uses that were nominated and approved by the Parties. EPA received one comment that there should be no uses of methyl bromide given its effect on the stratospheric ozone layer, and one comment that CUE authorization should not impede the adoption of alternatives. EPA disagrees that all methyl bromide use should stop and does not believe that the CUE authorization for 2013 will impede the continued adoption of methyl bromide alternatives. The CUN addresses the need for methyl bromide for the 2013 critical uses, which, as described in the nomination chapters found in the docket, are uses for which EPA has found there are not technically and economically feasible alternatives. In addition, the 2013 critical uses were reviewed by the technical bodies to the Ozone Secretariat and authorized by the Parties to the Montreal Protocol.

EPA also received a comment that the agency should reopen the nominations for 2013 to account for the withdrawal of iodomethane from the U.S. market, especially if the availability of

iodomethane was the reason the USG did not nominate certain sectors. At this point it is not possible for the USG to reopen nominations for 2013. As described in the previous section, in order to provide time for EPA to promulgate a rule authorizing critical use exemptions for a particular control period, the USG submits a nomination the January two years prior to the control period at issue. In addition, if the USG had submitted a supplemental request for 2013 this January, the Parties would not have been able to consider it until November of 2013, which would not provide relief to growers.

EPA is finalizing the lists of approved critical uses and approved critical users as proposed. First, as discussed in the proposal, EPA is removing from Appendix L two users that did not submit applications and therefore were not included in the U.S. nomination. These users are California rose nursery growers and Maryland tomato growers. Second, EPA is removing the National Pest Management Association (NPMA) food processing as an approved critical user. The NPMA did not initially apply to be a critical user in 2013 and the Parties have not authorized a critical use for NPMA for 2013.

Members of the NPMA have worked to transition from methyl bromide to alternative practices and alternative fumigants like sulfuryl fluoride. In January 2004, EPA registered the first food uses of sulfuryl fluoride for control of insect pests in grain processing facilities and in harvested and processed food commodities such as cereal grains, dried fruits, and tree nuts. In July 2005, EPA approved sulfuryl fluoride for treatment of additional harvested and processed food commodities such as coffee and cocoa beans, and for fumigation of food handling and processing facilities.

On January 19, 2011, EPA proposed to revoke the residue limits on food, known as tolerances, for fluoride on the food commodities approved for treatment with sulfuryl fluoride (76 FR 3422). In response to this proposal, the NPMA submitted a supplemental request for 2013 methyl bromide use during the open period for 2014 applications. The USG did not include NPMA's supplemental request in the 2014 nomination submitted to UNEP on January 31, 2012, because EPA has only proposed to revoke the tolerances for sulfuryl fluoride and has not taken action in any final rule. U.S. critical use nominations are based on final decisions about alternatives. Additionally, the proposed tolerance revocation included a staggered implementation scheme, making it unlikely that any specific revocation will be effective in 2013. Therefore, EPA is not finalizing NPMA as an approved critical user in 2013.

Third, EPA is removing sectors or users that applied for a critical use in 2013 but that the United States did not nominate for 2013. EPA conducted a thorough technical assessment of each application and considered the effects that the loss of methyl bromide would have for each agricultural sector, and whether significant market disruption would occur as a result. As a result of this technical review, the USG determined that certain sectors or users did not meet the critical use criteria in Decision IX/6, and the USG therefore did not include them in the 2013 Critical Use Nomination. EPA notified these sectors of their status in July 2011, and those letters are in the public docket for this rule. These sectors are: members of the Southeastern Cucurbit Consortium and cucurbit growers in Maryland and Delaware; growers in the forest nursery sector (Southern Forest Nursery Management Cooperative, Northeastern Forest and Conservation Nursery Association, and Michigan seedling growers); members of the Southeastern Pepper Consortium; members of the Southeastern Strawberry Consortium and Florida strawberry growers; California sweet potato slip growers; members of the Southeastern Tomato Consortium and Virginia tomato growers. For each of these uses, EPA found that there are technically and economically feasible alternatives to methyl bromide.

Finally, EPA is limiting the CUE for cucurbit, eggplant, pepper, and tomato sectors in Georgia to small growers. The EPA review of the available information for Georgia indicates that farmers growing fewer than 10 acres of these crops need an additional year to successfully transition to the alternatives. These small growers do not have as much experience with the alternatives and need to convert their equipment to the University of Georgia (UGA) ''3-Way'' mixture (a combination of 1,3-dichloropropene, chloropicrin, and metam). The EPA conducted an economic assessment of small growers' ability to convert their equipment (see revised nomination, dated July 14, in the docket). The assessment demonstrates that despite the UGA 3-Way mixture being more affordable than methyl bromide plus chloropicrin on a per acre basis, retrofitting farm equipment to use the UGA 3-Way mixture at a cost of $3,450 is not affordable for growers under four acres, amortized over 10 years at 7% interest (7% is a home equity loan rate for this region at the time the nomination was submitted; interest on agricultural loans could be lower). However, due to variations in impacts for individual growers and uncertainties in the assumptions used in the economic analysis, farms smaller than 10 acres are reasonably expected to incur negative impacts from having to covert to the UGA 3-Way mixture. This analysis can be found in the July 14, 2011, reply to MBTOC available in the docket to this rule. Therefore, EPA is limiting the Georgia cucurbit, eggplant, pepper, and tomato critical uses to small growers, which EPA defines as growers growing fewer than 10 acres.

EPA is repeating the following clarifications made in previous years for ease of reference. The ''local township limits prohibiting 1,3-dichloropropene'' are prohibitions on the use of 1,3-dichloropropene products in cases where local township limits on use of this alternative have been reached. In addition, ''pet food'' under subsection B of Food Processing refers to food for domesticated dogs and cats. Finally, ''rapid fumigation'' for commodities is when a buyer provides short (two working days or fewer) notification for a purchase or there is a short period after harvest in which to fumigate and there is limited silo availability for using alternatives.

EPA received a request from two commenters that the agency confirm that being removed from the table of approved critical uses for 2013 does not preclude the use from being added back in the future. The Agency reviews every application received each year against the CUE criteria. The removal of a user from the list of approved critical uses indicates that a determination was made that technically or economically feasible alternatives exist. However, the EPA recognizes that circumstances may change, or additional information emerge, that could merit including that use in a future nomination. Furthermore, EPA recognizes that in 2003 the Parties to the Montreal Protocol recognized in Decision ExI.3 that each Party should aim at significantly and progressively decreasing its production and consumption of methyl bromide for critical uses with the intention of completely phasing out methyl bromide as soon as technically and economically feasible alternatives are available.

D. Critical Use Amounts

Table A of the annex to Decision XXIII/4 lists critical uses agreed to by the Parties to the Montreal Protocol. The maximum amount of new production and consumption for U.S. critical uses,

specified in Table B of Decision XXIII/4, is 562,326 kg, minus available stocks. This figure is equivalent to 2.2% of the U.S. 1991 methyl bromide consumption baseline of 25,528,270 kg.

EPA received three comments supporting the proposal to allocate at least the full amount authorized by the Parties. Two of those commenters stated that EPA should allocate more than the amount requested in the CUN. One commenter stated that this is appropriate since the nomination was based on the continued availability of iodomethane. The other commenter stated that the CUN was inadequate and failed to reflect the need for methyl bromide as identified in the applications that were filed. Therefore, the proposed amount is insufficient to meet the critical needs of U.S. growers. One commenter questioned whether it would ever be appropriate for EPA to allocate less than the full amount authorized by the Parties.

EPA is not allocating at or above the amount in the CUN. The CUN itself exceeds the amount authorized by the Parties. As EPA stated in the proposed rule, EPA views the determination of the total allocation, up to the amount authorized by the Parties, as an appropriate exercise of discretion. The agency will not increase the quantities in the final rule beyond those authorized by the Parties, but may exercise its discretion to allocate less. Article 2H(5) of the Montreal Protocol provides that the 2005 methyl bromide phaseout shall not apply ''to the extent the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses.'' Decision XXIII/4 contains the Parties' critical use authorization for 2013. In this rule, EPA is honoring commitments made by the United States in the Montreal Protocol context, including Decision XXIII/4. For 2013, EPA is allocating the full amount authorized by the Parties.

In the past, EPA has also made reductions to the CUA amount to account for the amount specifically authorized for research, on the assumption that research amounts would come from inventory. One commenter stated that EPA failed to account for research use of methyl bromide in the proposed rule and should return to the previously established policy and allocate a separate research purpose allocation. EPA responds that the 2013 CUN did not include, and the Parties did not authorize, a separate amount for research, as had been done in prior years. As discussed in more detail in the 2011 CUE final rule (76 FR 60736, 60743, September 30, 2011), EPA views research as part of the nomination for each individual critical use. Therefore, EPA is not making any adjustments for research, carryover, or the uptake of alternatives.

Carryover Material The Parties in paragraph 6 of Decision XXIII/4 ''urge parties operating under critical-use exemptions to put in place effective systems to discourage the accumulation of methyl bromide produced under the exemption.'' EPA regulations prohibit methyl bromide produced or imported after January 1, 2005, under the critical use exemption from being added to the existing pre-2005 inventory. Quantities of methyl bromide produced, imported, exported, or sold to end-users under the critical use exemption in a control period must be reported to EPA the following year. EPA uses these reports to calculate the amount of methyl bromide produced or imported under the critical use exemption, but not exported or sold to end-users in that year. EPA deducts an amount equivalent to this ''carryover'' from the total level of allowable new production and import in the year following the year of the data report. Carryover material (which is produced using critical use allowances) is not included in EPA's definition of existing inventory (which applies to pre-2005 material) because this would lead to a double-counting of carryover amounts, and a double reduction of critical use allowances (CUAs).

All critical use methyl bromide that companies reported to be produced or imported in 2011 was sold to end users. The information reported to EPA is that 1,499 MT of critical use methyl bromide was produced or imported in 2011. Slightly more than the amount produced or imported was actually sold to end-users. This additional amount was due to distributors selling material that was carried over from the prior control period. Therefore, EPA is applying the carryover deduction of 0 kg to the new production amount. EPA's calculation of the amount of carryover at the end of 2011 is consistent with the method used in previous CUE rules, and with the method agreed to by the Parties in Decision XVI/6 for calculating column L of the U.S. Accounting Framework. Past U.S. Accounting Frameworks, including the one for 2011, are available in the public docket for this rulemaking.

Uptake of Alternatives Under the existing framework, EPA considers data on the availability of alternatives that it receives following submission of each nomination to UNEP. In previous rules EPA has reduced the total CUE amount when a new alternative has been registered. When an alternative is withdrawn, EPA will not increase the total CUE amount above the amount authorized by the Parties. However, the section on critical stock allowances below discusses how EPA is responding to the withdrawal of iodomethane.

Since the USG submitted the 2013 CUN, Dimethyl Disulfide (DMDS) has been registered in additional states. In July 2010, EPA registered DMDS to control nematodes, weeds, and pathogens in tomatoes, peppers, eggplants, curcurbits, strawberries, ornamentals and forest nursery seedlings, and onions. The CUN considered only a limited uptake of DMDS in 2013 as only a few states had registered DMDS and it was not registered in either California or Florida. EPA received comment that DMDS is now registered in twenty-seven states, including Georgia and Florida. The commenter requests that EPA reduce the new production/import allocation to reflect the increased registrations and to reflect the success that growers have had in transitioning to alternatives generally. EPA also received one comment supporting the proposal not to make reductions for DMDS in the Southeast. The commenter also stated that even if California were to register DMDS, growers would transition cautiously to ensure it works for their circumstances.

EPA is not making a reduction to the new production/import allocation based on these additional state registrations. As discussed below, 91% of the amount authorized for 2013 is for critical uses in California, which has not yet registered DMDS. Growers in Florida account for less than 3% of the authorized amount. EPA anticipates that the uptake of DMDS in Florida will therefore not significantly affect total demand for critical use methyl bromide.

EPA does not believe that the progress California and Florida strawberry growers have made in transitioning to alternatives means, as one commenter suggests, that the EPA should reduce the allocation amounts in the 2013 rule. EPA recognizes that strawberry growers are successfully transitioning to alternatives, and the CUE allocation for strawberries has been declining as that transition has occurred. EPA has considered the transition made to date, and the ability of strawberry growers to further transition, when developing the nomination. Transition rates for alternatives have already been applied for authorized 2013 critical use amounts through the nomination and authorization process.

One commenter stated that the proposed rule did not take into account

the proposed tolerance revocation of sulfuryl fluoride. As EPA has stated in prior rules, this allocation rule is based on the current status of alternatives and is limited to 2013. The proposed tolerance revocation includes a staggered implementation scheme so that it is unlikely that any specific revocation will be effective as soon as 2013 (76 FR 3447). Therefore, EPA has not based the allocation amounts for 2013 on any anticipated impacts of that proposal on methyl bromide use.

In summary, EPA is exempting 562,326 kg of new production and import of methyl bromide for critical uses in 2013. EPA is allocating allowances to the four companies that hold baseline allowances. The allocation, as in previous years, is in proportion to those baseline amounts, as shown in the table at 40 CFR 82.8(c)(1).

Paragraph 3 of Decision XXIII/4 states ''that parties shall endeavor to license, permit, authorize or allocate quantities of methyl bromide for critical uses as listed in table A of the annex to the present decision.'' This is similar to language in prior Decisions authorizing critical uses. These Decisions call on Parties to endeavor to allocate critical use methyl bromide on a sector basis. The Framework Rule proposed several options for allocating critical use allowances, including a sector-by-sector approach. The agency evaluated various options based on their economic, environmental, and practical effects. After receiving comments, EPA determined that a lump-sum, or universal, allocation, modified to include distinct caps for pre-plant and post-harvest uses, was the most efficient and least burdensome approach that would achieve the desired environmental results, and that a sector-by-sector approach would pose significant administrative and practical difficulties. EPA received one comment supporting the continued use of the universal allocation approach. For the reasons discussed in the preamble to the 2009 CUE rule (74 FR 19894), the agency believes that the approach adopted in the Framework Rule is the most appropriate approach and that it is likely the actual critical use will closely follow the sector breakout listed in the Parties' decisions.

E. Critical Stock Allowances

Decision XXIII/4 indicates that the United States' permitted level of production and consumption for 2013 is 562,326 kg minus ''available stocks.'' As part of this rulemaking, EPA considered what amount, if any, of existing stocks may be available to critical users during 2013.

1. Determining the Level of Available Stocks

Individual Parties have the ability to determine their level of available stocks. The Parties to the Protocol recognized in their Decisions that the amount of available stocks may differ from the total amount of existing stocks. Decision XXIII/4 states that ''production and consumption of methyl bromide for critical uses should be permitted only if methyl bromide is not available in sufficient quantity and quality from existing stocks…'' In addition, earlier Decisions refer to the use of ''quantities of methyl bromide from stocks that the Party has recognized to be available.'' Decision XXIII/4 reinforces this concept by including the phrase ''minus available stocks'' as a footnote to the United States' authorized level of production and consumption in Table B.

Section 604(d)(6) of the CAA does not require EPA to adjust the amount of new production and import to reflect the availability of stocks; however, as explained in previous rulemakings, making such an adjustment is a reasonable exercise of EPA's discretion under this provision. Pre-phaseout inventory, or ''stocks,'' refers to methyl bromide that was produced using consumption allowances prior to the 2005 phaseout date under the Clean Air Act and the Montreal Protocol. It does not include methyl bromide that was produced after January 1, 2005, under the critical use exemption and carried over into subsequent years. Nor does it include methyl bromide produced 1) under the quarantine and preshipment (QPS) exemption, 2) with Article 5 allowances to meet the basic domestic needs of Article 5 countries, or 3) for feedstock or transformation purposes.

The aggregate amount of pre-phaseout methyl bromide reported as being in inventory at the end of 2012 is 627,066 kg. As explained in the 2008 CUE Rule, EPA intends to continue releasing aggregate methyl bromide inventory data reported to the agency under the reporting requirements at 40 CFR 82.13 at the end of each control period. If the number of competitors in the industry were to decline appreciably, EPA may revisit the question of whether the aggregate is entitled to treatment as confidential information and whether to release the aggregate without notice. EPA did not propose to change the treatment of submitted information but welcomes information concerning the composition of the industry. The aggregate information for 2003 through 2013 is available in the docket.

Consistent with EPA's past practice, and our commitments to the Parties, EPA considered the level of ''available stocks'' that may be allocated in this rulemaking. EPA requested comments on two approaches for determining how many CSAs to allocate. Under the first approach, the agency would calculate ''available stocks'' as either 5% or 0% of the existing inventory, as was reported to EPA on January 1, 2012. The second approach would be to continue using the existing framework of estimating drawdown and a supply chain factor. EPA is finalizing the first approach but finds that no stocks are available to meet the critical demand for 2013. Therefore, EPA is not issuing CSAs in this final rule.

In this final rule, EPA is rejecting the older approach of using the existing framework to estimate drawdown. In the 2012 Final Rule, EPA recognized that our ''estimates [of available stocks] have become increasingly inexact in characterizing actual drawdown of pre-phaseout inventory, as the amounts in inventory have declined over time. EPA intends to consider the adequacy of using this formula to assess 'available stocks' in a future action.''

Initially, the drawdown estimate was a simple linear model based on past years' rates. EPA modified the approach in the 2009 CUE Rule when it became apparent that the inventory was decreasing exponentially rather than linearly. EPA noted that the slowing rate of drawdown was based mostly on the business decisions of the companies that hold pre-phaseout inventory, and included aspects that are difficult for EPA to know or quantify, such as honoring long-term relationships with non-CUE customers or holding inventory in response to price fluctuations. To refine the analysis in subsequent rules EPA separately analyzed the use of inventory on critical uses, for which there are a set number of allowances, and non-critical uses, for which there are not.

Despite increased specificity, precise estimates still proved elusive. In successive years, EPA substantially overestimated inventory drawdown. In the 2012 Rule, EPA estimated a drawdown of 1,110,633 kg, when the actual drawdown was half that amount, or 556,794 kg. The results of the methodology using the updated data were sufficiently different that EPA considered providing additional notice and the opportunity to comment to incorporate them into the final allocation rule. EPA is concerned that as the total amount of both the U.S. authorization and the pre-phaseout stocks become smaller, efforts to perfect

EPA estimates in this area will delay needed rulemaking. The fact that the agency's projections consistently over-estimate the amount of inventory that will be drawn down is evidence that the approach substantially over-estimates the availability of pre-phaseout stocks.

EPA believes constraints on the ability of critical users to acquire and use stocks may become worse due to a recent change in the geographic distribution of critical users. In the past, EPA has considered all pre-phaseout inventory to be available to all users, regardless of location. This assumption, as discussed in the 2009 CUE rule (74 FR 19887, April 30, 2009), was based on the fact that inventory is held in California and the Southeast, the two primary critical use growing regions, as well as other locations around the country. While the geographic distribution of inventory generally remains the same, the authorized critical uses have shifted to California over the last two years. In the 2011 control period, 49% of the total authorization was for pre-plant uses in California and 38% was for pre-plant uses in the Southeast. In 2013, this ratio is 91% and 4% respectively.[1] EPA believes that inventory held in the Southeast may not be equally available to critical users in California. Unlike newly produced or imported material, which enters nationwide distribution networks, inventory is mostly held by regional distributors. EPA received comment that the first priority of these distributors is to maintain the supply and service obligations they have to their customers within the geographic areas where they operate.

EPA proposed to allocate CSAs equal to 5% of the January 1, 2012, reported inventory, which is equal to 62,444 kg. EPA based this percentage on historic patterns of use. Since 2006, the amount of prior year inventory used through the expenditure of CSAs has ranged from 8% to 26%. EPA proposed an amount less than the historic pattern in an effort to ensure that the amount allocated for 2013 would be available to critical users in that year.

EPA also solicited comment on allocating 0 kg from stocks. EPA was particularly interested in comments from critical stock allowance holders who would be barred under the existing framework from selling inventory to critical users in 2013 absent an allocation of CSAs. EPA stated it was interested in learning whether an allocation at or close to 0 kg would prevent the drawdown of stocks or prevent the fulfillment of contracts or commitments to sell pre-phaseout inventory in 2013. EPA also sought comment on whether the restriction at 40 CFR 82.4(p) that limits the sale of inventory to critical uses through the CSA allocation should be lifted.

One commenter agreed that the prior calculation was unacceptably time consuming, unwieldy and prone to inaccuracies. This commenter stated that, especially with the withdrawal of iodomethane, EPA should authorize the full amount of critical use methyl bromide authorized by the Parties, and that even that amount may be insufficient to meet the needs of growers. However, this commenter also stated that a limited amount of CSAs is still appropriate to provide registrants and distributors flexibility to meet the needs of all growers. Therefore, this commenter supported the proposal to allocate 5% of the prior year's starting inventory.

One commenter stated that the full amount for critical uses should come from new production. This commenter points out that the private parties holding stocks are the only ones who can decide to make them available, and states that it would be unreasonable to reduce the amount of new production due to those stocks. Another commenter stated that it was important for existing stocks to be available for drawdown, since otherwise stocks will never be used.[2]

EPA has considered all of these comments, and recent developments related to the critical use of methyl bromide, and has determined that it will allocate the full amount of the critical use authorization to new production, but also lift the prohibition on selling stocks of methyl bromide for critical uses without a CSA.

EPA intends for the entire allocation of critical use allowances and critical stock allowances to be expended to meet each year's critical demand. However, the total allocation of critical stock allowances has never been used. In fact, typically one third to one half of the critical stock allowances allocated each year remains unexpended. EPA believes there is demand for methyl bromide given the fact that there was no carryover in 2010 and 2011. This means that all the methyl bromide that was produced or imported for critical uses for those years was used. However, 40% of the 2010 and 30% of the 2011 critical stock allowance allocations were not used.

Consistent with these data, comments to this and past allocation rules state that the existing inventory is not actually available to users because of reductions in the number of distributors and market decisions by distributors to sell inventory to current customers or hold inventory for future use. The recent concentration of critical uses in California may also mean that stocks in the Southeast are even more unavailable as a practical matter for critical users. The data show that inventory is continually less ''available'' than EPA estimated. At the same time, meeting the demand for critical use methyl bromide is especially important for 2013 due to the withdrawal of iodomethane. In light of these circumstances, including the facts that the agency is unable to require the sale of inventory to meet the critical demand and there is evidence that inventory will not be sold to meet that demand, EPA is determining that there are not stocks available to be allocated for 2013. Therefore, EPA is allocating 0 CSAs for 2013.

2. Amending the Critical Stock Allowance Framework

For the reasons discussed above, EPA believes, as a practical matter, existing stocks of methyl bromide are not available for critical users in 2013. However, at the same time, EPA agrees that it would not be appropriate to completely prohibit use of existing stocks, since EPA does not believe that stocks should be held indefinitely. EPA solicited comment on whether the prohibition on selling stocks of MeBr for a critical use without a CSA should be lifted. After consideration of comments, EPA is lifting the prohibition.

One provision in the framework rule, 40 CFR 82.4(p), limits the amount of pre-phaseout methyl bromide that can be sold for critical uses to the amount of critical stock allowances held by that distributor. EPA developed the concept of critical stock allowances in the Framework Rule to meet the requirement of Decision Ex I/3(3). That Decision states that ''a Party using stocks under paragraph 2 above shall prohibit the use of stocks [for critical uses]… when amounts from stocks combined with allowable production

[1] EPA treats company-specific methyl bromide inventory information as confidential and believes that disaggregating the inventory data by geographic area could potentially reveal CBI. EPA solicited comment on this issue but did not propose to release data showing how much inventory is located in or near California. However, even in the absence of specific inventory data broken down by region, EPA believes that the fact that over 90% of critical use is in California is relevant to judging the availability of existing stocks.

[2] The commenter also stated that the stocks of methyl bromide should be available to non-critical uses. This commenter disagrees with EPA's Reregistration Eligibility Decision that resulted in the removal of various non-exempt uses from the methyl bromide product labels. This comment is beyond the scope of this rulemaking.

and consumption for critical uses exceed the total level for that Party set forth in annex II A to the present report.''

As discussed in the Framework Rule, EPA read Decision Ex I/3(3) as calling for limits on the use of stocks for approved critical uses in order to receive the benefit of new production and import in that Decision for 2005. However, Decision Ex I/3(3) was only applicable to the 2005 control period. Subsequent Decisions by the Parties authorizing critical uses and new production and import amounts for later control periods did not contain similar language. For the reasons discussed herein, EPA no longer believes that the restrictions established by EPA to meet the requirements of Decision Ex I/3(3) remain appropriate. EPA believes this approach is consistent with Decision XXIII/4 which authorizes an amount of new production and import of methyl bromide for 2013 but does not call for limits on the total use of methyl bromide for critical uses.

Several changes relevant to the drawdown of the pre-phaseout inventory have occurred since 2004. When the critical use exemption was being established by the Parties, the United States made assurances that it would responsibly manage the inventory. At that time, the inventory was 16,422 MT which is 26 times greater than the level of inventory today. The United States and other Parties were concerned that this large amount of inventory could overwhelm the critical use exemption. EPA therefore limited the use of inventory on critical uses through the issuance of critical stock allowances.

Since that time, EPA has taken further steps to restrict the use of stocks through FIFRA labeling changes. Under the reregistration decision for methyl bromide, EPA removed all but seven non-critical ''Group II uses'' from the pre-plant methyl bromide labels. Four of those seven uses were cancelled as of December 31, 2012, two will be removed at the end of 2013, and the last will be removed at the end of 2014. As these Group II uses are removed from product labels, and as the number of critical uses decreases, the demand for pre-phaseout inventory will continue to decline. The decreasing number of uses and geographical limitations on critical use discussed above may also lead to a slowing in the rate of inventory drawdown.

Together these two actions have the potential to significantly limit the use of inventory. However it is clear that the concerns expressed through Decision Ex I/3(3), to restrict the use of stocks, has also changed. Decision XXII/6, which authorized critical uses for 2012, stressed that ''parties should reduce their stocks of methyl bromide retained for employment in critical-use exemptions to a minimum in as short a time period as possible.'' EPA believes that ending the restriction on the use of stocks for critical uses is appropriate to avoid a situation, either now or in the future, where the inventory becomes practically inaccessible. If this occurs, there will be few uses of inventory and stocks could remain indefinitely.

To implement this change EPA is removing the restrictions at § 82.4(p)(ii) and (iii). In addition, EPA is removing the reference to CSAs from the definition of ''critical use methyl bromide.'' EPA believes additional conforming changes may be appropriate but will address those changes in a future rulemaking.

EPA also requested comment on potential mechanisms within the Clean Air Act or other statutory authorities to respond to the withdrawal of iodomethane, and other unforeseen or emergency situations. EPA received three comments requesting that the agency undertake a rulemaking to implement Decision IX/7 regarding emergency uses of methyl bromide. One commenter noted that EPA announced in 2000 that it would draft a rule for emergency uses, which would be separate from its authority to grant emergency or crisis exemptions under FIFRA section 18. The commenter noted that clarification of the process for emergency uses, whether through section 18 or through additional rulemaking, is warranted since previous section 18 exemptions had been granted for methyl bromide prior to the 2005 phase-out.

As EPA noted in the notice of proposed rulemaking and elsewhere, this rule implements the Clean Air Act's requirement to phase out consumption and production of methyl bromide, subject to the critical use exemption. Nothing in this rule is intended to derogate from FIFRA or provisions in any other Federal, State, or local laws or regulations governing actions including, but not limited to, the sale, distribution, transfer, and use of methyl bromide.

The commenter went on to note that Australia and Canada have also utilized the Decision IX/7 emergency exemption provision of the Montreal Protocol. Another commenter notes that unforeseen shortages of methyl bromide alternatives could have the same effect as other emergency conditions that may warrant use exemptions.

This spring EPA held discussions with USDA and the Department of State on whether emergency situations may arise that warrant the use of methyl bromide and other tools that could potentially address immediate and unforeseen needs for methyl bromide.

F. The Criteria in Decisions IX/6 and Ex. I/4

Paragraphs 1 and 4 of Decision XXIII/4 request Parties to ensure that the conditions or criteria listed in Decisions Ex. I/4 and IX/6, paragraph 1, are applied to exempted critical uses for the 2013 control period. A discussion of the agency's application of the criteria in paragraph 1 of Decision IX/6 appears in Section II of this preamble. EPA solicited comments on the technical and economic basis for determining that the uses listed in this rule meet the criteria of the critical use exemption. The CUNs detail how each proposed critical use meets the criteria listed in paragraph 1 of Decision IX/6, apart from the criterion located at (b)(ii), as well as the criteria in paragraphs 5 and 6 of Decision Ex. I/4.

The criterion in Decision IX/6(1)(b)(ii), which refers to the use of available stocks of methyl bromide, is addressed in section II.E. of this preamble. The agency has previously provided its interpretation of the criterion in Decision IX/6(1)(a)(i) regarding the presence of significant market disruption in the absence of an exemption.

The remaining considerations are addressed in the nomination documents including: the lack of available technically and economically feasible alternatives under the circumstance of the nomination; efforts to minimize use and emissions of methyl bromide where technically and economically feasible; the development of research and transition plans; and the requests in Decision Ex. I/4(5) and (6) that Parties consider and implement MBTOC recommendations, where feasible, on reductions in the critical use of methyl bromide and include information on the methodology they use to determine economic feasibility.

Some of these criteria are evaluated in other documents as well. For example, the United States has considered the adoption of alternatives and research into methyl bromide alternatives, criterion (1)(b)(iii) in Decision IX/6, in the development of the National Management Strategy submitted to the Ozone Secretariat in December 2005, updated in October 2009. The National Management Strategy addresses all of the aims specified in Decision Ex.I/4(3) to the extent feasible and is available in the docket for this rulemaking.

There continues to be a need for methyl bromide in order to conduct the research required by Decision IX/6. A common example is an outdoor field experiment that requires methyl bromide as a standard control treatment with which to compare the trial alternatives' results. As discussed in the preamble to the 2010 CUE rule (75 FR 23179, May 3, 2010), research is a key element of the critical use process. Research on the crops shown in the table in Appendix L to subpart A remains a critical use of methyl bromide. While researchers may continue to use newly produced material for field, post-harvest, and emission minimization studies requiring the use of methyl bromide, EPA encourages researchers to use pre-phaseout inventory. EPA also encourages distributors to make inventory available to researchers, to promote the continuing effort to assist growers to transition critical use crops to alternatives.

G. Emissions Minimization

Previous decisions have stated that critical users shall employ emission minimization techniques such as virtually impermeable films, barrier film technologies, deep shank injection and/or other techniques that promote environmental protection, whenever technically and economically feasible. EPA developed a comprehensive strategy for risk mitigation through the 2006 Reregistration Eligibility Decision (RED) for methyl bromide, which is implemented through restrictions on how methyl bromide products can be used. This approach requires that methyl bromide labels include directions that treated sites be tarped except for California orchard replant where EPA instead requires deep (18 inches or greater) shank applications. The RED also incorporated incentives for applicators to use high-barrier tarps, such as virtually impermeable film (VIF), by allowing smaller buffer zones around those sites. In addition to minimizing emissions, use of high-barrier tarps has the benefit of providing pest control at lower application rates. The amount of methyl bromide nominated by the United States reflects the lower application rates necessary when using high-barrier tarps, where such tarps are allowed.

EPA will continue to work with the U.S. Department of Agriculture—Agricultural Research Service (USDA–ARS) and the National Institute for Food and Agriculture (USDA–NIFA) to promote emission reduction techniques. The federal government has invested substantial resources into best practices for methyl bromide use, including emission reduction practices. The Cooperative Extension System, which receives some support from USDA–NIFA provides locally appropriate and project-focused outreach education regarding methyl bromide transition best practices. Additional information on USDA research on alternatives and emissions reduction can be found at: *http://www.ars.usda.gov/research/programs/programs.htm?NP_CODE=308* and *http://www.csrees.usda.gov/fo/methylbromideicgp.cfm.*

Users of methyl bromide should continue to make every effort to minimize overall emissions of methyl bromide to the extent consistent with State and local laws and regulations. EPA also encourages researchers and users who are using such techniques to inform EPA of their experiences and to provide such information with their critical use applications.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

Under Executive Order (EO) 12866 (58 FR 51735, October 4, 1993), this final rule is a ''significant regulatory action'' because it was deemed to raise novel legal or policy issues. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011) and any changes made in response to interagency recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. The application, recordkeeping, and reporting requirements have already been established under previous critical use exemption rulemakings and this action does not add any new requirements. The Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations at 40 CFR part 82 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0482. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201 (see Table below); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

Category	NAICS Code	SIC Code	NAICS Small business size standard (in number of employees or millions of dollars)
Agricultural production	1112—Vegetable and Melon farming 1113—Fruit and Nut Tree Farming 1114—Greenhouse, Nursery, and Floriculture Production	0171—Berry Crops 0172—Grapes. 0173—Tree Nuts. 0175—Deciduous Tree Fruits (except apple orchards and farms). 0179—Fruit and Tree Nuts, NEC.	$0.75 million.

Category	NAICS Code	SIC Code	NAICS Small business size standard (in number of employees or millions of dollars)
		0181—Ornamental Floriculture and Nursery Products.	
		0831—Forest Nurseries and Gathering of Forest Products.	
Storage Uses	115114—Postharvest Crop activities (except Cotton Ginning).	2041—Flour and Other Grain Mill Products.	$7 million.
	311211—Flour Milling	2044—Rice Milling	500 employees.
	311212—Rice Milling	4225—General Warehousing and Storage	500 employees.
	493110—General Warehousing and Storage	4221—Farm Product Warehousing and Storage	$25.5 million.
	493130—Farm Product Warehousing and Storage		$25.5 million.
Distributors and Applicators	115112—Soil Preparation, Planting and Cultivating.	0721—Crop Planting, Cultivation, and Protection.	$7 million.
Producers and Importers	325320—Pesticide and Other Agricultural Chemical Manufacturing.	2879—Pesticides and Agricultural Chemicals, NEC.	500 employees.

Agricultural producers of minor crops and entities that store agricultural commodities are categories of affected entities that contain small entities. This rule only affects entities that applied to EPA for an exemption to the phaseout of methyl bromide. In most cases, EPA received aggregated requests for exemptions from industry consortia. On the exemption application, EPA asked consortia to describe the number and size distribution of entities their application covered. EPA estimated that 3,218 entities petitioned EPA for an exemption for the 2005 control period. EPA revised this estimate in 2011 down to 1,800 end users of critical use methyl bromide. EPA believes that the number continues to decline as growers cease applying for critical uses. Since many applicants did not provide information on the distribution of sizes of entities covered in their applications, EPA estimated that, based on the above definition, between one-fourth and one-third of the entities may be small businesses. In addition, other categories of affected entities do not contain small businesses based on the above description.

After considering the economic impacts of this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant *adverse* economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the proposed rule on small entities.'' (5 U.S.C. 603–604). Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves a regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. Since this rule exempts methyl bromide for approved critical uses after the phaseout date of January 1, 2005, this action confers a benefit to users of methyl bromide. EPA estimates in the Regulatory Impact Assessment found in the docket to this rule that the reduced costs resulting from the de-regulatory creation of the exemption are approximately $22 million to $31 million on an annual basis (using a 3% or 7% discount rate respectively). We have therefore concluded that this rule would relieve regulatory burden for all small entities.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Instead, this action provides an exemption for the manufacture and use of a phased out compound and would not impose any new requirements on any entities. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule is expected to affect producers, suppliers, importers, and exporters and users of methyl bromide. Thus, Executive Order 13132 does not apply to this rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on this action from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This rule does not significantly or uniquely affect the communities of Indian tribal governments nor does it impose any enforceable duties on communities of Indian tribal governments. Thus, Executive Order 13175 does not apply to this action. EPA specifically solicited additional comment on this action from tribal officials.

G. Executive Order No. 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to EO 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in EO 12866, and because the Agency does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This rule affects the level of environmental protection equally for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This rule does not pertain to any segment of the energy production economy nor does it regulate any manner of energy use. Therefore, we have concluded that this rule is not likely to have any adverse energy effects.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards. This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this rule does not have disproportionately high and adverse human health or environmental effects on minority or low-income populations, because it affects the level of environmental protection equally for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. Any ozone depletion that results from this rule will impact all affected populations equally because ozone depletion is a global environmental problem with environmental and human effects that are, in general, equally distributed across geographical regions in the United States.

K. Congressional Review Act

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 rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective July 22, 2013.

List of Subjects in 40 CFR Part 82

Environmental protection, Chemicals, Exports, Imports, Ozone depletion.

Dated: July 16, 2013.

Bob Perciasepe,

Acting Administrator.

For the reasons stated in the preamble, 40 CFR Part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

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

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

■ 2. Section 82.3 is amended by revising the definition of ''Critical use methyl bromide'' to read as follows:

§ 82.3 Definitions for class I and class II controlled substances.

* * * * *

Critical use methyl bromide means the class I, Group VI controlled substance produced or imported through expending a critical use allowance or that portion of inventory produced or imported prior to the January 1, 2005 phaseout date that is sold only for approved critical uses.

* * * * *

■ 3. Section 82.4 is amended by revising paragraph (p)(1) to read as follows:

§ 82.4 Prohibitions for Class I controlled substances.

* * * * *

(p) * * *

(1) No person shall sell critical use methyl bromide without first receiving a certification from the purchaser that the quantity purchased will be sold or used solely for an approved critical use. Every kilogram of critical use methyl bromide sold without first obtaining such certification constitutes a separate violation of this subpart.

* * * * *

■ 4. Section 82.8 is amended as follows:

■ a. Revising paragraph (c) introductory text;

■ b. Revising the table in paragraph (c)(1);

■ c. Removing and reserving paragraph (c)(2).

§ 82.8 Grant of essential use allowances and critical use allowances.

* * * * *

(c) Effective January 1, 2005, critical use allowances are apportioned as set forth in paragraph (c)(1) of this section for the exempted production and import of class I, Group VI controlled substances specifically for those approved critical uses listed in appendix L to this subpart for the applicable control period. Every kilogram of production and import in excess of the total number and type of unexpended critical use allowances held for a particular type of use constitutes a separate violation of this subpart.

(1) * * *

Company	2013 Critical use allowances for pre-plant uses * (kilograms)	2013 Critical use allowances for post-harvest uses * (kilograms)
Great Lakes Chemical Corp. A Chemtura Company	323,564	18,162
Albemarle Corp	133,057	7,469
ICL–IP America	73,530	4,127
TriCal, Inc	2,289	129
Total **	*532,440*	*29,886*

* For production or import of Class I, Group VI controlled substance exclusively for the Pre-Plant or Post-Harvest uses specified in appendix L to this subpart.
** Due to rounding, numbers do not add exactly.

(2) [Reserved]

■ 5. Appendix L to Subpart A is revised to read as follows:

APPENDIX L TO SUBPART A OF PART 82—APPROVED CRITICAL USES AND LIMITING CRITICAL CONDITIONS FOR THOSE USES FOR THE 2013 CONTROL PERIOD

Column A	Column B	Column C
Approved Critical Uses	Approved Critical User and Location of Use	Limiting Critical Conditions that exist, or that the approved critical user reasonably expects could arise without methyl bromide fumigation:
PRE-PLANT USES		
Cucurbits	Georgia growers on fewer than 10 acres	Moderate to severe yellow or purple nutsedge infestation. Moderate to severe soilborne disease infestation. Moderate to severe root knot nematode infestation.
Eggplant	(a) Florida growers	Moderate to severe yellow or purple nutsedge infestation. Moderate to severe soilborne disease infestation. Restrictions on alternatives due to karst topographical features and soils not supporting seepage irrigation.
	(b) Georgia growers on fewer than 10 acres	Moderate to severe yellow or purple nutsedge infestation. Moderate to severe nematode infestation. Moderate to severe pythium collar, crown and root rot. Moderate to severe southern blight infestation. Restrictions on alternatives due to karst topographical features.
Nursery Stock (Fruit, Nut, Flower)	Members of the California Association of Nursery and Garden Centers representing Deciduous Tree Fruit Growers.	Moderate to severe nematode infestation. Medium to heavy clay soils. Local township limits prohibiting 1,3-dichloropropene.
Orchard Replant	California stone fruit, table and raisin grape, wine grape, walnut, and almond growers.	Moderate to severe nematode infestation. Moderate to severe soilborne disease infestation. Replanted orchard soils to prevent orchard replant disease. Medium to heavy soils. Local township limits prohibiting 1,3-dichloropropene.
Ornamentals	(a) California growers	Moderate to severe soilborne disease infestation. Moderate to severe nematode infestation. Local township limits prohibiting 1,3-dichloropropene.

APPENDIX L TO SUBPART A OF PART 82—APPROVED CRITICAL USES AND LIMITING CRITICAL CONDITIONS FOR THOSE USES FOR THE 2013 CONTROL PERIOD—Continued

Column A	Column B	Column C
	(b) Florida growers	Moderate to severe weed infestation. Moderate to severe soilborne disease infestation. Moderate to severe nematode infestation. Restrictions on alternatives due to karst topographical features and soils not supporting seepage irrigation.
Peppers	(a) Florida growers	Moderate to severe yellow or purple nutsedge infestation. Moderate to severe soilborne disease infestation. Moderate to severe nematode infestation. Restrictions on alternatives due to karst topographical features and soils not supporting seepage irrigation.
	(b) Georgia growers on fewer than 10 acres	Moderate to severe yellow or purple nutsedge infestation. Moderate to severe nematode infestation, or moderate to severe pythium root and collar rots. Moderate to severe southern blight infestation, crown or root rot. Restrictions on alternatives due to karst topographical features.
Strawberry Fruit	California growers	Moderate to severe black root rot or crown rot. Moderate to severe yellow or purple nutsedge infestation. Moderate to severe nematode infestation. Local township limits prohibiting 1,3-dichloropropene. Time to transition to an alternative.
Strawberry Nurseries	California growers	Moderate to severe soilborne disease infestation. Moderate to severe yellow or purple nutsedge infestation. Moderate to severe nematode infestation.
Tomatoes	(a) Florida growers	Moderate to severe yellow or purple nutsedge infestation Moderate to severe soilborne disease infestation. Moderate to severe nematode infestation. Restrictions on alternatives due to karst topographical features and soils not supporting seepage irrigation.
	(b) Georgia growers on fewer than 10 acres	Moderate to severe yellow or purple nutsedge infestation Moderate to severe soilborne disease infestation. Moderate to severe nematode infestation. Restrictions on alternatives due to karst topographical features.
POST-HARVEST USES		
Food Processing	(a) Rice millers in the U.S. who are members of the USA Rice Millers Association.	Moderate to severe beetle, weevil, or moth infestation. Presence of sensitive electronic equipment subject to corrosion. Time to transition to an alternative.
	(b) Pet food manufacturing facilities in the U.S. who are members of the Pet Food Institute.	Moderate to severe beetle, moth, or cockroach infestation. Presence of sensitive electronic equipment subject to corrosion. Time to transition to an alternative.
	(c) Members of the North American Millers' Association in the U.S.	Moderate to severe beetle infestation. Presence of sensitive electronic equipment subject to corrosion. Time to transition to an alternative.

APPENDIX L TO SUBPART A OF PART 82—APPROVED CRITICAL USES AND LIMITING CRITICAL CONDITIONS FOR THOSE USES FOR THE 2013 CONTROL PERIOD—Continued

Column A	Column B	Column C
Commodities	California entities storing walnuts, dried plums, figs, raisins, and dates (in Riverside county only) in California.	Rapid fumigation required to meet a critical market window, such as during the holiday season.
Dry Cured Pork Products	Members of the National Country Ham Association and the Association of Meat Processors, Nahunta Pork Center (North Carolina), and Gwaltney and Smithfield Inc.	Red legged ham beetle infestation. Cheese/ham skipper infestation. Dermested beetle infestation. Ham mite infestation.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R07–RCRA–2013–0447; FRL–9833–7]

State of Kansas; Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Kansas has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because EPA believes this action is not controversial and does not expect comments that oppose it. Unless EPA receives written comments that oppose this authorization during the comment period, the decision to authorize Kansas' changes to its hazardous waste program will take effect.

DATES: This regulation is effective September 20, 2013, unless EPA receives adverse written comment by the close of business August 21, 2013. If EPA receives such comments, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *Email: haugen.lisa@epa.gov.*
3. *Mail:* Lisa Haugen, Environmental Protection Agency, Region 7, Enforcement Coordination Office, 11201 Renner Boulevard, Lenexa, Kansas 66219.
4. *Hand Delivery or Courier:* Deliver your comments to Lisa Haugen, Environmental Protection Agency, Region 7, Enforcement Coordination Office, 11201 Renner Boulevard, Lenexa, Kansas 66219. Such deliveries are only accepted during the Regional Office's normal hours of operation of Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R07–RCRA–2013–0447. EPA's policy is that all comments received will be included in the public docket without change, including personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov,* or email. The Federal *http://www.regulations.*gov Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. (For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*).

You can view and copy the documents that form the basis for this authorization and codification and associated publicly available materials from 8:00 a.m. to 4:00 p.m. Monday through Friday at the following location: EPA, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, phone number: (913) 551–7877. Interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lisa Haugen, Region 7, Enforcement Coordination Office, 11201 Renner Boulevard, Lenexa, Kansas 66219, Phone number: (913) 551–7877, and Email address: *haugen.lisa@epa.gov.*

SUPPLEMENTARY INFORMATION:

Authorization of State-Initiated Changes

A. Why are revisions to State programs necessary?

States which have received Final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. As the Federal program changes, the States must change their programs and ask the EPA to authorize the changes. Changes to State hazardous waste programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273 and 279. States can also initiate their own changes to their hazardous waste program and these changes must then be authorized.

B. What decisions have we made in this rule?

EPA concludes that Kansas' application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, EPA grants Kansas final authorization to operate its hazardous waste program with the changes described in the authorization application. Kansas has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders, except in Indian Country, and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Kansas, including issuing permits, until Kansas is granted authorization to do so.

C. What is the effect of this authorization decision?

The effect of this decision is that a facility in Kansas subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Kansas has enforcement responsibilities under its State hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to: (1) Do inspections, and require monitoring, tests, analyses, or reports; and (2) Enforce RCRA requirements and suspend or revoke permits. This action does not impose additional requirements on the regulated community because the statutes and regulations for which Kansas is being authorized by this direct action are already effective and are not changed by this action.

D. Why wasn't there a proposed rule before this rule?

EPA did not publish a proposal before this rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the Proposed Rules section of this **Federal Register**, we are publishing a separate document that proposes to authorize the State program changes.

E. What happens if EPA receives comments that oppose this action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the State program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time. If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we may withdraw only that part of this rule, but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective and which part is being withdrawn.

F. For what has Kansas previously been authorized?

Kansas initially received final authorization on October 17, 1985 (50 FR 40377), to implement its Base Hazardous Waste Management program. Kansas received authorization for revisions to its program on April 24, 1990 (55 FR 17273), effective June 25, 1990; June 14, 1994, (59 FR 30528), effective August 15, 1994; July 29, 1996 (61 FR 39353), effective September 27, 1996.

G. What changes are we authorizing with this action?

The State has made amendments to the provisions listed in the table which follows. These State-initiated changes satisfy the requirements of 40 CFR 271.21(a). These amendments clarify the State's regulations and make the State's regulations more internally consistent. The State's laws and regulations, amended by these provisions, provide authority which remains equivalent to, no less stringent than, and not broader in scope than the Federal laws and regulations. We are granting Kansas final authorization to carry out the following provisions of the State's program in lieu of the Federal program. These State-initiated changes satisfy the requirements of 40 CFR 271.21(a). These provisions are analogous to the indicated RCRA statutory provisions or RCRA regulations found at 40 CFR as of July 1, 2006. The Kansas provisions are from the Kansas Administrative Regulations, Article 31—Hazardous Waste Management, effective May 10, 2013.

The State's authorization package includes an updated Program Description, a General Memorandum of Agreement (MOA), and a Corrective Action MOA, between the EPA and the Kansas Department of Health and Environment (KDHE), a copy of the Kansas State Statutes Annotated, Chapter 65—Public Health, Article 34—Hazardous Waste, a copy of the KDHE Administrative Regulations, Article 31—Hazardous Waste Management effective on May 10, 2013, and an Attorney General's Statement.

State requirement KAR	Analogous Federal requirement 40 CFR
28–31–124a(a) & (c)–(e)	124.3(a).
28–31–124b(a)–(d)	124.5(a), (c)–(d).
28–31–124c(a)	124.6(a).
28–31–124c(c)(1)	124.6(d)(1)–(d)(4)(i).
28–31–124c(c)(2)–(5) and 28–31–124c(d)–(f).	124.6(e).
28–31–124d intro.–28–31–124d(b)	124.8(a).
28–31–124d(c)(1)–(2)	124.8(b) intro.–(b)(2).
28–31–124d(c)(3)–(5)	124.8(b)(5)–(b)(7).
28–31–124e intro.–28–31–124e(a)	124.10(a)(1)–(a)(1)(iii).
28–31–124e(b)–(c)	124.10(a)(2)–(3).
28–124e(d)	124.10(b), except last sentence.
28–31–124e(e)	124.10(c).
28–31–124e(f) intro.–28–31–124e(f)(9)	124.10(d)(1)–(d)(1)(vi).
28–31–124e(f)(10)	124.10(d)(1)(x).
28–31–124e(g)	124.10(d)(2) intro.–(d)(2)(iii).

State requirement KAR	Analogous Federal requirement 40 CFR
28–31–124e(h)	124.10(e).
28–31–124(a) and 28–31–124(c)(3)	124.11.
28–31–124(a), 28–31–124(c)(4), and 28–31–124(b)(1)	124.12.
28–31–124(a) and 28–31–124(c)(5)	124.13.
28–31–124(a), and 28–31–124(c)(6)–(7)	124.14.
28–31–124(a) and 28–31–124(c)(8)	124.15.
28–31–124(a), 28–31–124(c)(9)–(12), and 28–31–124(b)	124.16.
28–31–124(a), and 28–31–124(c)(13)–(14)	124.17.
28–31–124(a), 28–31–124(c)(15)	124.31–124.33.
28–31–124(a), 28–31–124(b)(4)–(5), 28–31–124(c)(16), 28–31–124(e)(18).	124.200–124.214.
28–31–260(a), 28–31–260(b)(1), and 28–31–260(c)(1)	260.1–260.3.
28–31–260(a), and 28–31–260(c)(2)(A)–(E)	260.10.
28–31–260b	260.11.
28–31–260(a) and 28–31–260(b)(6)–(7)	260.30–260.33, 260.40–260.41, and Appendix I.
28–31–260(d) required in the event of a conflict between federal and state definitions.	No analog in Part 260.
28–31–261(a), 28–31–261(c)(2), 28–31–261(c)(3)(A)–(C), 28–31–261(c)(4), and 28–31–261(b)(2).	261.1–261.4(e)(3(iii).
28–31–261(a)	261.5 except 261.5(a), 261.5(e)(1), 261.5(f)(3), 261.5(g), and 261.5(g)(2)–(3).
28–31–261(a) and 28–31–261(b)(3)	261.6–261.11.
28–31–261(a), 28–31–261(c)(10)–(12)	261.20–261.24.
28–31–261(a) and 28–31–261(c)(15)	261.30–261.33 and (e) 261.35, and 261.38 except 261.33(e)–(f).
28–31–261(a) and 28–31–261(c)(16)	Appendices I and VII–VIII.
28–31–262(a), 28–31–262(c)(1), and 28–31–262(b)(1)	262.10–12 except 262.11(c)(1).
28–31–262(a)	262.20, 262.22–262.23 and 262.27 except 262.27(b).
28–31–262(a), 28–31–262(c)(5)–(6) and (8), 28–31–262(b)(3)	262.30–262.34 except 262.34(c)(1)(ii) and 262.34(g)–(i).
28–31–262(a)	262.40–43 except 262.42(b).
28–31–262(a)	262.70.
28–31–262(b)(5)	262.90 and 262–100–262–108.
28–31–262(a)	Appendix to Part 262.
28–31–263(a) and 28–31–263(c)(1)	263.10.
28–31–263(a)	263.20–22 except 263.20(h).
28–31–263(a)	263.30–263.31.
28–31–264(a), 28–31–264(b)(2) and 28–31–264(c)(2)	264.1–264.4.
28–31–264(a), 28–31–264(b)(3) and 28–31–264(c)(3)	264.10–264.19.
28–31–264(a)	264.30–264.37, 264.50–264.56 and 264.70–264.77.
28–31–264(a)	264.90–264.101 except 264.90(b)(4).
28–31–264(a), and 28–31–264(c)(4)–(5)	264.110–264.120.
28–31–264(a), 28–31–264(c)(6)(A)–(D), 28–31–264(c)(8)–(9), 28–31–264(c)(11)–(17), 28–31–264(b)(4).	264.140–264.151 except 264.143(e)(1), 264.144(b), 264.144(c), 264.145(e)(1), 264.147(a)(1)(ii), 264.147(b)(1)(ii), and 264.151(i)–(j).
28–31–264(a) and 28–31–264(c)(18)	264.170–264.179.
28–31–264(a), 28–31–264(c)(19)–(20), and 28–31–264(b)(5)	264.190–200.
28–31–264(a), 28–31–264(b)(10), 28–31–264(c)(21(A)–(B), 28–31–264(c)(22)–(23), 28–31–264(c)(24)(A)–(B) and 28–31–264(c)(25).	264.220–264.232, 264.50–264.59, 264.270–264.283, 264.300–264.304, 264.309–264.351, 264.550–264.555, 264.570–264.575 except 264.226(c), 264.227(d)(2)(ii), 264.280(b).
28–31–264(a), 28–31–264(c)(26)–(28), 28–31–264(b)(8)–(9)	264.1030–264.1036, 264.1050 264.264.1065, 264.1080–264.1090, 264.1100–1102, 264.1200–264.1202.
28–31–264(c)(26)	264.1060(b)(3).
28–31–264(a)	Appendices I, IV–VI, and IX.
28–31–265(a), 28–31–265(c)(2)–(3) and 28–31–265(b)(2)	265.1 and 265.4.
28–31–265(a), 28–31–265(c)(4), 28–31–265(b)(3)	265.10–265.19, 265.30–265.37, 265.50–265.56, and 265.70–265.77.
28–31–265(a)	265.90–265.94 except 265.90(c), 265.90(d)(1), 265.90(e), and 265.93(d)(2).
28–31–265(a), 28–31–265(c)(6)–(10), 28–31–265(c)(13), 28–31–265(b)(5)–(9), 28–31–265(c), 28–31–265(c)(18)–(22).	265.110–265.121, 265.140–265.150, 265.170–265.178 265.190–265.202, 265.220–265.231, 265.250–265.260, 265.270–265.282, 265.300–265.316, 265.340–265.352, 265.370–265.383, 265.400–265.406, 265.430, 265.440–265.445, 265.1030–265.1035, 265.1050–265.1064, 265.1080–265.1090, 265.1100–265.1101, 265.1200–265.1202 except 265.144(b), 265.144(c), 265.201, 265.201(a)–(d) and (f)–(h), 265.221(g), 265.280(e).
28–31–265(a)	Appendices I, III–VI.
28–31–266(a), 28–31–266(c)(2)–(5), 28–31–266(b)	266.20–266.23, 266.70, 266.80, 266.100–266.102, 266.104–266.112, 266.200–266.206, 266.210, 266.220–266.360, 266.400–266.422.
28–31–266(a)	Appendices I–IX and XI–XIII.
28–31–267(a), 28–31–267(c)(2)–(4), 28–31–267(b)(2)	267.1–267.3, 267.10–267.18, 267.30–267.36, 267.50–267.58, 267.70–267.76, 267.90–267.101, 267.110–267.117, 267.140–267.148, 267.150–267.151, 267.170–267.177, 267.190–267.204 and 267.1100–267.1108.
28–31–268(a), 28–31–268(c)(4)	268.1–268.7 and 268.9 except 268.1(e)(1), 268.5–6, 268.7(a)(5), 268.7(a)(9)(iii). 268.7(a)(10).
28–31–268(a), 28–31–268(c)(8)–(11), 28–31–268(b)(3)	268.14, 268.20–268.50 except 268.42(b) and 268.44.

State requirement KAR	Analogous Federal requirement 40 CFR
28–31–268(a)	Appendices III–IV, VI–VIII, XI.
28–31–270(a), 28–31–270(b)(1), 28–31–270(c)(1)	270.1.
28–31–270(a), 28–31–270(c)(2)(A)(i)–(ii), 28–31–270(c)(2)(B)–(E)	270.2 except ''Corrective action management unit,'' Emergency Permit,'' ''Permit,'' ''Remedial action plan,'' ''Standardized permit''.
28–31–270(b)(4)	270.3.
28–31–270(a)	270.4–270.5.
28–31–260b(b)(1)	270.6.
28–31–270(a), 28–31–270(c)(4)–(17), 28–31–270(c)(19)–(24), 28–31–270(b)(4)–(8).	270.10–270.33, 270.40–270.43, 270.50–270.5, 270.60–270.68, 270.70–270.73, 270.79–270.110, 270.115, 270.120–270.150, 270.155–270.190, 270.195, 270.200–270.230, 270.235, 270.250, 270.255, 270.260–270.305, 270.310, 270.315–270.320 except 270.10(a) and 270.17(d).
28–31–273(a)	273.1–273.9, 273.10–273.20, 273.30–273.40, 273.50–273.56, 273.60–273.62 and 273.70 except 273.8(a)(2).
28–31–273(b)(4)	273.80–273.81.
28–31–279(a), 28–31–279(c)(1)–(2), 28–31–279(c)(3)(A)–(D), 28–31–279(c)(4)(A)–(C), 28–31–279(c)(5).	279.1, 279.10–279.12, 279.20–279.24, 279.30–279.32, 279.40–279.47, 279.50–279.67, 279.70–279.75 279.80–279.81 except 279.10(b)(3).
28–31–279(a)	279.60–279.67 except 279.62(b)(1)–(2) and 279.64(g).

H. Where are the revised State rules different from the Federal rules?

1. Rules for Which Kansas Is Not Seeking Authorization

(a) Kansas is not seeking authorization for, and has appropriately left authority with EPA, for the majority of the non-delegable Federal rules that address specific functions for which EPA must retain authority, including the Federal requirements at 40 CFR 261.39(a)(5), 262.21, 262 Subparts E, F and H, 268.5, 268.6, 268.42(b), 268.44(a)–(g) and 270.3. However, Kansas has adopted the provisions at 40 CFR 263.20(g)(4), 264.71(a)(3), 265.71(a)(3), 268.5, 268.6 and 268.42(b). EPA will continue to implement all of the above mentioned requirements directly through the RCRA regulations.

(b) Kansas is not seeking authorization for the National Environmental Performance Track Program (April 22, 2004, 69 FR 21737); as amended October 25, 2004, 69 FR 62217; Revision Checklist 204). On May 14, 2009, EPA terminated the National Environmental Performance Track Program.

(c) Kansas has not adopted the optional provisions at 40 CFR 260.20–22, which are applicable to the delisting of a waste, and the provision at 40 CFR 260.23 which addresses petitions to add a universal waste. These optional provisions were not promulgated under HSWA. Therefore, the provisions for delisting a waste, or to petition to add a universal waste, are not applicable in Kansas.

(d) Kansas has not adopted the provisions at 266.103 which are applicable to interim status burners. There are currently no such facilities in the State, nor does the State expect there will be in the future. If at any time a facility in the State of Kansas becomes subject to 40 CFR 266.103, the Federal government will administer the applicable regulations.

(e) Kansas did not adopt the provision at 270.42(l) which requires a list of all approved permits and permit modifications be maintained and a notification, published annually, announcing an updated list is available for review. The State and EPA have agreed to place this requirement in the Memorandum of Agreement.

2. More Stringent Kansas Rules

The Kansas hazardous waste program contains some provisions that are more stringent than is required by the RCRA program as codified in the July 1, 2006, edition of the title 40 of the Code of Federal Regulations. These more stringent provisions are being recognized as a part of the Federally-authorized program.

The specific more stringent provisions are also noted in Kansas' authorization application. They include, but are not limited to, the following:

Kansas Generator Regulations—Generally Applicable to All Generator Classifications

(a) At 28–31–261(c)(6) generators who generate 1 kg or more of acutely hazardous waste in a calendar month are considered large quantity generators (LQGs) for that waste and the waste becomes subject to the LQG requirements. Kansas is more stringent because under the federal regulations, generators that generate exactly 1 kg of acute hazardous waste are not subject to the LQG requirements. This more stringent requirement is also applicable to the accumulation of acutely hazardous waste.

(b) In addition, at 28–31–261(c)(6) Kansas replaces the phrases ''that acute hazardous waste'' and ''those accumulated wastes'' with ''the generator's hazardous waste and acute hazardous waste.'' This requires all generator's waste to become subject to full regulation if a generator exceeds the limits of 40 CFR 261.5(e), (f)(2) or (g)(2), not just the specific waste that exceeded the limits.

(c) The federal regulations at 40 CFR 265.201(a)–(d) and (f)–(h) are only applicable to generators of between 100 and 1,000 kg/mo. Kansas modifies these provisions at 28–31–265(c)(17)(A)–(D) making these provisions applicable to generators who accumulate more than 25 kg, which makes the State more stringent.

(d) At 28–31–4 Kansas requires the information on the originally submitted RCRA notification form be changed if there is a change in the information.

(e) At 28–31–262(c)(7) Kansas requires labels to read ''Hazardous Waste.'' The federal regulations allow other words which identify the contents.

(f) At 28–31–262(b)(3) Kansas does not adopt the special requirements applicable to F006 waste at 40 CFR 262.34(g)–(i) and is therefore more stringent.

Kansas Generator Classifications

Kansas establishes four (4) generator categories as opposed to the three (3) established by the Federal regulations. The table below illustrates the differences between the State's generator categories and those in the Federal provisions.

Generator size (kg of HW/month)	Kansas generator classification	EPA Generator classification
<25	Conditionally exempt small quantity generator	Conditionally exempt small quantity generator
>=25 but <100	Kansas small quantity generator..	
>100 but <1,000	Small quantity generator	Small quantity generator.
>=1,000	Large quantity generator	Large quantity generator.

Some Federal rules which, when applied to the State specific generator classifications, make the State rules more stringent. Kansas has also promulgated rules which are specific to the State's generator classifications, which EPA has determined are also more stringent than the RCRA program. These include, but are not limited to the following:

Kansas Generator Classification—Conditionally Exempt Small Quantity Generator (CESQG)

The following table lists regulations where there is a state requirement and with a direct analogous Federal requirement.

State requirement KAR	Analogous Federal requirement 40 CFR
28–31–261(c)(5)	261.5(a).
28–31–261(c)(7)	261.5(g).
28–31–261(c)(9)	261.5(g)(3).
28–31–261(c)(13) and (14)	261.33(e) and (f).
28–31–261a	No analog in federal regulations.
28–31–262a(f)(2)(C)(i)	262 Subpart C.
28–31–262a(f)(2)(C)(ii)	262.34.
28–31–262a(f)(2)(C)(iii)	265.15(d).
28–31–262a(f)(2)(C)(iv)	265 Subpart I.
28–31–262a(f)(2)(C)(v)	265.201.
28–31–273(a)	273.8(a)(2) related.
28–31–279(a)	279.10(b)(3) related.

Additional Rules Applicable to Kansas Generator Status—CESQG

(a) At 28–31–262a(f)(1) Kansas prohibits conditionally exempt small quantity generators from disposing of their hazardous waste in a construction and demolition landfill in Kansas. Construction and demolition landfills in Kansas are not subject to the provisions of 40 CFR 257.5 thru 257.30 and therefore cannot accept CESQG waste.

(b) At 28–31–262a(f)(2)(A) Kansas requires CESQGs that accumulate 25k (55 lbs) or more of hazardous waste to inspect areas where one or more hazardous waste containers are stored, on a monthly basis.

(c) At 28–31–262a(f)(2)(B)(i) and (ii) Kansas limits a CESQG that sends 25k or more of hazardous waste at any one time to disposal at state permitted Kansas household hazardous waste sites, or a disposal facility meeting certain requirements in 40 CFR 261.5(g).

Kansas Generator Classification—Kansas Small Quantity Generator (KSQG)

The following table lists regulations where there is a state requirement and with a direct analogous Federal requirement.

State requirement KAR	Analogous Federal requirement 40 CFR
28–31–262(c)(4)	262.27(b).
28–31–262(c)(9)	262.42(b).
28–31–262(c)(11)(A) and (B)	262.44.
28–31–262a(e)(3)(A), (B) and (C)	262 Subparts A, B, and C.
28–31–262a(e)(3)(D)	262.34.
28–31–262a(e)(3)(E)	262.44.
28–31–262a(e)(3)(G)	265.15(d).
28–31–262a(e)(3)(H)	265 Subpart C.
28–31–262a(e)(3)(I)	265 Subpart I.
28–31–262a(e)(3)(J)	265.201.
28–31–262a(e)(3)(K)	268.7(a)(5).
28–31–268(c)(2) and (5)	268.1(e)(1); 268.7(a)(5); 268.7(a)(10).

Additional Rules Applicable to Kansas Generator Status—KSQG

(a) At 28–31–262a(e)(1) Kansas requires KSQGs to submit a waste minimization certification.

(b) At 28–31–262a(e)(2) Kansas requires KSQGs to inspect areas where one or more hazardous waste containers are stored, on a monthly basis.

(c) At 28–31–262a(e)(4) Kansas requires KSQGs to provide training no more than six months after an employee is hired or transferred to a new position, repeat the training annually, record the employee name, date of training, and topics covered and keep records for at least three years from the date of the training. Personnel training records may accompany personnel transferred within the same company.

(d) At 28–31–262a(e)(5) Kansas requires any KSQG that accumulates more than 1,000k (2,200 lbs) of hazardous waste to comply with all requirements for small quantity generators.

Kansas Generator Status—Small Quantity Generator (SQG)

(a) At 28–31–261(c)(8) Kansas replaces ''generators of between 100 kg and 1000 kg of hazardous waste'' with ''small quantity generators.'' Kansas is more stringent because the generation limit for CESQGs is lower <25 kg rather than ≤ 100 kg. Also, generators of ≥25 kg but ≤100 kg per calendar month are subject to requirements more stringent than the 40 CFR 261.5 requirements. See also 28–31–262a(f).

(b) At 28–31–262a(d)(1) Kansas requires small quantity generators to provide training no more than six months after an employee is hired or transferred to a new position, repeat the training annually, record the employee name, date of training, and topics covered and keep records for at least three years from the date of the training. Personnel training records may accompany personnel transferred within the same company.

(c) At 28–31–262a(d)(2)(A) Kansas subjects small quantity generators to the inspection documentation and record keeping requirements of 40 CFR 265.15(d) for both containers and tanks.

(d) At 28–31–262a(d)(2)(B) and (C) Kansas subjects small quantity generators to the closure requirements of 40 CFR 265.11(a) and (B) and 265.114.

Kansas Generator Status—Large Quantity Generator (LQG)

At 28–31–262a(c) Kansas requires large quantity generators to document and keep records of weekly inspections of containers and hazardous waste storage areas as well as daily inspections of tanks in accordance with 40 CFR 265.15(d).

Additional Kansas Regulations Deemed To Be More Stringent by EPA

(a) At 28–31–263(c)(2) Kansas requires transporters of KSQG waste to comply with 263.20(1)–(4), which under the Federal program are only applicable to SQGs.

(b) At 28–31–264(c)(9)–(10) and 28–31–265(c)(11)–(12) Kansas requires owners/operators to update the post-closure cost estimate during the post-closure period as well as the active life of the facility.

(c) At 28–31–264a(a)(1) establishes the definitions for state-specific terms applicable to the state's additional requirements for financial assurance required under 40 CFR 264.143, 264.145 and 264.147.

(d) At 28–31–264a(a)(2)(B) Kansas requires an insurer to have a current minimum rating in the secure or investment grade category by the A.M. Best insurance rating agency and not be a ''captive insurance company.'' The term ''captive insurance company'' is defined at 28–31–264a(a)(1)(A).

(e) At 28–31–264a(a)(2)(C) Kansas requires a surety company to have a current minimum rating in the secure or investment grade category by the A.M. Best insurance rating agency and must be licensed in Kansas.

(f) At 28–31–264a(b) Kansas applies the requirements found at 40 CFR 264.119(b) to active facilities.

(g) At 28–31–264a(c)(1) Kansas outlines the specific requirements to be included in the restrictive covenant.

(h) At 28–31–264a(c)(2) Kansas outlines the specific requirements for easements.

(i) At 28–31–264a(c)(3) Kansas requires that each offer or contract for the conveyance of easement, title, or other interest to the property shall disclose all terms and conditions and provisions for care and subsequent land use. Provisions for maintaining waste containment and monitoring systems are required.

(j) At 28–31–264a(c)(4) Kansas requires that all covenants, easements, and other documents be permanent unless there is an agreement between the property owner and the Secretary of State to remove it.

(k) At 28–31–264a(d) Kansas requires that operators of hazardous waste container or tank storage facilities mark all containers and tanks in accordance with the requirements of 40 CFR 262.34(a)(2) and (3).

(l) At 28–31–264a(g) Kansas requires all hazardous waste injection wells to comply with the Kansas Underground Injection Well regulations.

(m) At 28–31–265a Kansas makes these additional requirements for TSDs applicable to interim status facilities.

(n) At 28–31–267a Kansas makes these additional requirements for TSDs applicable to facilities operating under a standardized permit.

(o) At 28–31–270(c)(3) Kansas requires persons applying for a permit to dispose of hazardous waste to first petition the secretary for an exception to the State's prohibition against underground land burial.

(p) At 28–31–279(b)(2) Kansas specifically prohibits the use of used oil as a dust suppressant.

(q) At 28–31–279(a)(1) Kansas specifically prohibits the disposal of used oil on or into sewers; storm drainage systems; surface water; groundwater; or the ground.

(r) At 28–31–279a(a)(2) Kansas specifically prohibits the application of used oil as a coating; a sealant; a dust suppressant; pesticide carrier; or any other similar application.

3. Broader in Scope

EPA considers the following State requirements to be beyond the scope of the Federal program, and therefore EPA is not authorizing these requirements and cannot enforce them. Entities must comply with these requirements in accordance with State law, but they are not RCRA requirements. The specific broader in scope provisions include, but are not limited to, the following:

(a) The statute at KSA 65–3433(b)(1) requires the State to provide notice of application in a major newspaper in the county for which a new off-site facility application has been received. This notice must be published for three consecutive weeks and a copy of the notice sent to the city clerk of any city located within three miles of the proposed facility.

(b) At KSA 65–3433(c) and KSA 65–3438 Kansas requires the Secretary to make a final decision on the permit application within 240 days. There is not a permit decision deadline in the Federal program, making this provision broader in scope. KSA 65–3433(c) also states that, once a permit has been issued by the Secretary, ''no local ordinance, permit or other requirements may prohibit the construction or modification of such a facility or restrict transportation to the facility.'' Because the Federal program does not include language concerning local prohibitions, this provision is broader in scope.

(c) At KSA 65–3435 Kansas prohibits the Secretary from approving an application ''unless applicant has fee simple title to the property where the facility will be located, free of any liens, easements, covenants, or any other encumbrances to the title.'' Because the Federal program does not have any requirements concerning ownership of the land, this provision is broader in scope.

(d) At KSA 65–3437(d) Kansas requires the Department to inspect the location of the proposed facility. An inspection report must be filed with the Secretary before issuing the permit and made available for public review. Because the Federal program does not have an inspection requirement, this provision is broader in scope.

(e) At 28–31–124a(b) Kansas requires a disclosure statement from a permit applicant to obtain the information

necessary to conduct a background investigation.

(f) At 28–31–124c(b) the state has chosen to include a regulation which outlines the basis of a permit application denial by the secretary. The federal regulations speak to issuing a tentative decision to deny. The Kansas regulation states only that if the permit application does not meet the regulatory requirements, it will be denied.

(g) At 28–31–260(c)(2)(D) Kansas has modified the definition of ''qualified ground-water scientist'' to require such to be a licensed geologist or a professional engineer. Kansas also requires training in corrective action.

(h) At 28–31–260a(a)(6) and (7) Kansas defines the terms ''Kansas licensed geologist'' and ''Kansas professional engineer'' and substitutes these terms for the Federal terms ''qualified geologist or geotechnical engineer;'' ''qualified engineer;'' and/or ''qualified soil scientist.''

(i) At 28–31–262(c)(2) Kansas requires that the sample be sent to a laboratory certified by the department for the hazardous waste analysis.

(j) At 28–31–262a(a)(2) Kansas requires SQGs and LQGs shipping waste to use only transporters who are properly registered with the department. The federal program does not require transporter registration so the State is broader in scope.

(k) At 28–31–262a(b) Kansas requires SQGs and KSQGs to submit a report to the secretary by March 1 each year that details the total quantities of waste produced during the previous calendar year. The State also requires that LQGs, SQGs and KSQGs submit their annual monitoring fee with the report, adhere to a schedule for submission, and keep the report for three years. These provisions are broader in scope as there are no analogous requirements in the Federal program.

(l) Kansas requires entities to pay annual fees. The regulations regarding these fees can be found at 28–31–262a(b)(2); 28–31–10(a)–(f); and 28–31–10a.

(m) At 28–31–263a(a) Kansas exempts KSQGs and CESQGs that meet certain conditions from the transporter requirements.

(n) At 28–31–263a(c) Kansas requires transporters to ensure that the generators and facilities from whom they pick up or to whom they deliver hazardous waste, have provided proper notification to the department.

(o) At 28–31–263(g) Kansas requires transporter use routes that minimize risk to public health and that are preferred routes.

(p) At 28–31–264(c)(7)(A) and (B), and 28–31–264(c)(7) Kansas requires that the insurer must be licensed to or eligible to provide insurance in Kansas.

(q) At 28–31–264a(c)(4) Kansas requires the owner of the property to pay all recording fees. There is no analogous counterpart in the Federal program, so the State is broader in scope.

(r) At 28–31–264a(a)(2)(A) Kansas requires the bank or trust company have authority to issue letters of credit in Kansas or to act as trustee for the facility in Kansas.

(s) At 28–31–264a(a)(3) Kansas requires that, if the financial assurance is a ''purchased'' financial instrument, the financial institution which provides the ''purchased'' financial instrument must be unrelated to both the owner and the operator of the facility.

(t) At 28–31–264a(a)(4) Kansas requires that each person required to submit information under one or more of the following requirements must also submit a copy of the most recent corporate annual report: 40 CFR 264.143(f)(3); 264.145(f)(3); 265.143(e)(3); 265.145(e)(3); or 267.143(f)(2).

(u) At 28–31–264a(a)(5) Kansas requires corporate reports be submitted for both publicly and privately owned facilities and contain financial statements, notes to the financial statements, and a copy of the independent CPA's report, including an unqualified opinion.

(v) At 28–31–264a(e) Kansas promulgates additional laboratory certification and analysis requirements.

(w) At 28–31–264a(f) Kansas applies additional laboratory certification requirements regarding the analysis of hazardous waste to be burned for destruction or energy recovery.

(x) At 28–31–6 and 28–31–279a(b) Kansas subjects transporters of hazardous waste and used oil to registration and insurance requirements. There is not an analogous provision in the Federal program therefore the Kansas provision is broader in scope.

(y) At 28–31–13 Kansas addresses variances from the State requirements that EPA deems to be more stringent or broader in scope than the Federal program. Because there is no analogous provision in the Federal program, the State is broader in scope.

(z) At KS–31–6(a)–(d) Kansas establishes state specific requirements for person(s) transporting hazardous waste or used oil. These requirements include registration with the Secretary, and the securing and maintenance of liability insurance on all vehicles transporting hazardous waste or used oil in Kansas. There is no analogous counterpart in the Federal program, so the State is broader in scope.

I. Who handles permits after the authorization takes effect?

Kansas will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer and enforce any RCRA and HSWA (Hazardous and Solid Waste Act) permits or portions of permits which it has issued in Kansas prior to the effective date of this authorization until the State incorporates the terms and conditions of the Federal permits into the State RCRA permits. Kansas will immediately assume oversight responsibility on two sites with EPA-issued permits, the Former Lawrence Nitrogen Plant (KSD007128507) and the Former Sunflower Army Ammunition Plant (KS3213820878), through the authority of State-issued orders. EPA will not issue any more new permits, or new portions of permits, for the provisions listed in the table above after the effective date of this authorization. EPA will continue to implement and issue permits for any HSWA requirements for which Kansas is not yet authorized.

J. How does this action affect Indian Country (18 U.S.C. 1151) in Kansas?

Kansas is not authorized to carry out its Hazardous Waste Program in Indian Country within the State. This authority remains with EPA. Therefore, this action has no effect in Indian Country.

K. What is codification and is EPA codifying Kansas' Hazardous Waste Program as authorized in this rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart R for this authorization of Kansas' program until a later date.

Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this rule (RCRA State Authorization) from the requirements of Executive Orders 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011). This rule authorizes state requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those required by state law. This final rule does not impose an information collection

burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Incorporation by reference will not impose any new burdens on small entities. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by State law, it 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).

Executive Order 13132 (64 FR 43255, August 10, 1999), does not apply to this rule because it will not have federalism implications (i.e., substantial direct effects on the States, on the relationship between national government and the states, or on the distribution of power and responsibilities among the various levels of government). This action also does not have Tribal implications within the meaning of Executive Order 13175 (65 FR 67249, November 6, 2000).

This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply Distribution or Use'' (66 FR 28344, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

EPA approves state programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a state program, to require the use of any particular voluntary consensus standard in place of another standard that meets requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply to this rule.

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The final rule does not include environmental justice issues that require consideration under Executive Order 12898 (59 FR 7629, February 16, 1994). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

The Congressional Review Act (5 U.S.C. 801 *et seq*), 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 prior to publication 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). This action will be effective September 20, 2013.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 27, 2013.

Mark Hague,

Acting Regional Administrator, Region 7.

[FR Doc. 2013–17566 Filed 7–19–13; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 7

[Docket No. CDC–2013–0013]

RIN 0920–AA53

Distribution of Reference Biological Standards and Biological Preparations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Direct final rule and request for comments.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS) proposes to update four sections of its regulations titled ''Distribution of Reference Biological Standards and Biological Preparations'' to update the authority citation and reflect the agency's current name, address, and contact information for fees schedules and terms of payment. These updates will not affect current practices.

DATES: The direct final rule (DFR) is effective on September 20, 2013 unless significant adverse comment is received by August 21, 2013. If we receive no significant adverse comments within the specified comment period, we intend to publish a document confirming the effective date of the final rule in the **Federal Register** within 30 days of the conclusion of the comment period. If we receive any timely significant adverse comment, we will withdraw this DFR in part or in whole by publishing a notice in the **Federal Register** within 30 days of the conclusion of the comment period.

ADDRESSES: You may submit comments, identified by ''RIN 0920–AA52'': by any of the following methods:

- *Internet:* Access the Federal e-rulemaking portal at *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Division of Scientific Resources, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS C–17, Atlanta, Georgia 30333, ATTN: Part 7 DFR.

Instructions: All submissions received must include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking. All relevant comments will be posted without change to *http://regulations.gov,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, please go to *http://www.regulations.gov.* Comments will be available for public inspection Monday through Friday, except for legal holidays, from 9 a.m. until 5 p.m., Eastern Time, at 1600 Clifton Road, NE., Atlanta, Georgia 30333. Please call ahead to 404–639–3466 and ask for a representative in the Division of Scientific Resources (DSR) to schedule your visit. To download an electronic version of the rule, access *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: For questions concerning this direct final rule: Dr. Carolyn M. Black, Director, Division of Scientific Resources, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop C–17, Atlanta, Georgia 30333; telephone 404–639–3466.

SUPPLEMENTARY INFORMATION: The preamble is organized as follows:

I. Public Participation
II. Authority for these Regulations
III. Why are we doing this rulemaking?
IV. Updates to Part 7
V. Alternatives Considered
VI. Required Regulatory Analyses
A. Required Regulatory Analyses under Executive Orders 12866 and 13563
B. Regulatory Flexibility Act
C. Small Business Regulatory Enforcement Fairness Act of 1996
D. The Paperwork Reduction Act of 1995
E. National Environmental Policy Act (NEPA)
F. Civil Justice Reform (Executive Order 12988)
G. Executive Order 13132 (Federalism)
H. Plain Language Act of 2010

I. Public Participation

HHS/CDC is publishing a DFR because it does not expect to receive any significant adverse comments and believes that these updates add clarity to the regulation and are non-controversial. However, interested persons may participate in this rulemaking by submitting written views, opinions, recommendations, and data. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you do not wish to be disclosed publicly. You may submit comments on any topic related to this DFR.

II. Authority for These Regulations

The legal authority for this rulemaking is primarily based on Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 9701) which provides general authority to Federal agencies to establish user fees through regulations. HHS/CDC has legal authority to retain collected user fees through its annual appropriations bill. In fiscal year 2013, this authority is provided through the Continuing Appropriations Resolution, 2013, P.L. 112–175, 126 Stat. 1313 (2012). Additionally, HHS/CDC has legal authority under section 352 of the Public Health Service Act (42 U.S.C. 263). This section states that HHS/CDC may prepare any biological product described under section 351 of the Public Health Service Act (42 U.S.C. 262) for use by other Federal departments or agencies, and public or private agencies and individuals engaged in work in the field of medicine when such a product is not available from establishments licensed by HHS. HHS/CDC is also revising the legal authority section of the regulations to cite additional legal authority found in section 301(a) of the Public Health Service Act (42 U.S.C. 241(a)). This section states that the HHS Secretary may make substances and living organisms available to individuals and entities for biomedical and behavioral research under such terms and conditions (including payment) as the Secretary determines appropriate.

III. Why are we doing this rulemaking?

Under Executive Order 13563 (Improving Regulation and Regulatory Review), Federal agencies are required to periodically review existing regulation and consider how best to modify rules that may be outmoded, ineffective, insufficient, or excessively burdensome. As part of its periodic review of its regulations, HHS/CDC has identified this regulation as one that requires updating.

The regulations at 42 CFR 7 ''Distribution of Reference Biological Standards and Biological Preparations'' were promulgated in 1987 and have not been revised since then. In 1992, the U.S. Congress, as part of the Preventive Health Amendments of 1992, recognized CDC's leadership role in prevention by formally changing its name to the Centers for Disease Control and Prevention. The mailing address for HHS/CDC's Financial Management Office changed in the mid-1990s when the office moved from the Buckhead location. This update removes that address. Finally, this update will now include current contact information to obtain information concerning the availability of reference biological standards, the fee schedule, and payment instructions.

Thus, through this Direct Final Rule (DFR), HHS/CDC is simply updating the regulation to clarify the rule for the public. This DFR does not create any additional requirements or burden, nor does it affect the current practices of HHS/CDC. This rulemaking does not change the method by which fees are calculated.

HHS/CDC is publishing a DFR because it does not expect to receive any significant adverse comments and believes that these updates add clarity to the regulation and are non-controversial. If HHS/CDC does not receive any significant adverse comments on this DFR within the specified comment period, we will publish a document in the **Federal Register** confirming the effective date of this final rule within 30 days after the comment period on the DFR ends. If HHS/CDC receives any timely significant adverse comment, we will withdraw the DFR in part or in whole by publishing a notice in the **Federal Register** within 30 days after the comment period ends. A significant adverse comment is one that explains: (1) Why the DFR is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the DFR will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of the DFR, HHS/CDC will consider whether it warrants a substantive response in a notice and comment rulemaking process. If we receive significant adverse comment on this DFR, we will publish a timely withdrawal in the **Federal Register** informing the public that the amendment in this rule will not take effect. If this DFR is withdrawn, we will carefully consider all public comments before proceeding with any further rulemaking.

IV. Updates to Part 7

The regulations found at 42 CFR 7 describe how private entities may obtain reference biological standards and biological preparations from HHS/CDC and how charges for such standards and preparations are determined. In this DFR, HHS/CDC is updating the Authority citation, Section 7.1 (Applicability), Section 7.4 (Schedule of Charges), and Section 7.5 (Payment Procedures).

Updates to Authority

The authority citation will be amended to add section 301(a) of the Public Health Service Act (42 U.S.C. 241(a)).

Updates to Section 7.1 Applicability

Section 7.1 will be amended to change the agency's name from ''Centers for Disease Control'' to its current name, ''Centers for Disease Control and Prevention''.

Updates to Section 7.4 Schedule of Charges

Section 7.4 directs private entities to contact a particular unit within HHS/CDC by mail to obtain a current schedule of charges. This section will be amended to remove the reference to an organizational unit that no longer exists and replace it with current contact information to obtain information concerning the availability of reference biological standards and a current schedule of charges. Due to the changing inventory of the unique biological standards or biological preparations available to the public, some of which are prepared only upon request, a phone number in addition to a mailing address will be provided for

the public to request a current inventory and fee schedule. This rulemaking does not change the method by which fees are calculated.

Updates to Section 7.5 Payment Procedures

Section 7.5 instructs the public on how to obtain information on terms of payment and the current fee schedule. This section will be amended to provide current contact information for the public.

V. Alternatives Considered

Under Executive Order 13563 agencies are asked to consider all feasible alternatives to current practice and the rule as proposed. HHS/CDC notes that the main impact of this proposed rule is to update current definitions and clarify language in the current regulation to reflect modern terminology and plain language commonly used by global private sector industry and public health partners. The intent of this update is to clarify the name of the agency and the mailing address in the existing regulation to help the regulated community comply with current regulation. HHS/CDC believes that this rulemaking complies with the spirit of the Executive Order; updating the agency name and address provides good alternatives to the current regulation.

VI. Required Regulatory Analyses

A. Required Regulatory Analyses Under Executive Orders 12866 and 13563

Under Executive Order 12866 (EO 12866), Regulatory Planning and Review (58 FR 51735, October 4, 1993) HHS/CDC is required to determine whether this regulatory action would be ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Orders. This order defines ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

- Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or,
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in EO 12866.

Executive Order 13563 (EO 13563), Improving Regulation and Regulatory Review, (76 FR 3821, January 21, 2011), updates some of the provisions of EO 12866 in order to promote more streamlined regulatory actions. This EO charges, in part, that, while protecting ''public health, welfare, safety, and our environment'' that regulations must also ''promote predictability and reduce uncertainty'' in order to promote economic growth. Further, regulations must be written in common language and be easy to understand. In the spirit of EO 13563, this DFR clarifies the regulation by updating the agency name and mailing address.

HHS/CDC has determined that this DFR is simply an update and clarification of the authority citation, agency name, and mailing address used in the current regulation. As such, the DFR complies with the spirit of EO 13563. Further, HHS/CDC has determined that this DFR is not a significant regulatory action as defined in EO 12866 because the DFR is administrative and does not change the baseline costs for any of the primary stakeholders. The Office of Management and Budget (OMB) has not reviewed this rulemaking.

B. Regulatory Flexibility Act

We have examined the impacts of the rule under the Regulatory Flexibility Act (5 U.S.C. 601–612). Unless we certify that the rule is not expected to have a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), requires agencies to analyze regulatory options that would minimize any significant economic impact of a rule on small entities. We certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

C. Small Business Regulatory Enforcement Fairness Act of 1996

This DFR is not a major rule as defined by Sec. 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

D. The Paperwork Reduction Act of 1995

HHS/CDC has already determined that the Paperwork Reduction Act applies to the data collection requirements of 42 CFR Part 7 and has obtained approval by OMB to collect information under OMB Control No. 0920–0591, expiration 07/31/2014. The changes in this rule do not impact the data collection and do not require revision to the approval from OMB.

E. National Environmental Policy Act (NEPA)

Pursuant to 48 FR 9374 (list of HHS/CDC program actions that are categorically excluded from the NEPA environmental review process), HHS/CDC has determined that this action does not qualify for a categorical exclusion. In the absence of an applicable categorical exclusion, HHS/CDC has determined that provisions amending 42 CFR Part 7 will not have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

F. Civil Justice Reform (Executive Order 12988)

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under this rule: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

G. Executive Order 13132 (Federalism)

HHS/CDC has reviewed this rule in accordance with Executive Order 13132 regarding Federalism, and has determined that it does not have ''federalism implications.'' The rule does not ''have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

H. Plain Language Act of 2010

Under Public Law 111–274 (October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to the public how to comply with a requirement the Federal Government administers or enforces. HHS/CDC has attempted to use plain language in

promulgating this rule consistent with the Federal Plain Writing Act and requests public comment on this effort.

List of Subjects in 42 CFR 7

Public health, CDC, Reference biological standards, Biological preparations, Schedule of charges

Amended Text

For the reasons discussed in the preamble, the Department of Health and Human Services amends 42 CFR Part 7 as follows:

PART 7—DISTRIBUTION OF REFERENCE BIOLOGICAL STANDARDS AND BIOLOGICAL PREPARATIONS

■ 1. The authority citation for part 7 is revised to read as follows:

Authority: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701); and secs. 301(a) and 352 of the Public Health Service Act, as amended (42 U.S.C. 241(a) and 263).

* * * * *

■ 2. Revise § 7.1 to read as follows:

§ 7.1 Applicability.

The provisions of this part are applicable to private entities requesting from the Centers for Disease Control and Prevention (CDC) reference biological Standards and Biological preparations for use in their laboratories.

■ 3. Revise § 7.4 to read as follows:

§ 7.4 Schedule of charges.

The charges imposed in § 7.2 are based on the amount published in CDC's price list of available products. These changes will reflect direct costs (such as salaries and equipment), indirect costs (such as rent, telephone service, and a proportionate share of management and administrative costs), and the cost of particular ingredients. Charges may vary over time and between different biological standards or biological preparations, depending upon the cost of ingredients and the complexity of production. An up-to-date schedule of charges is available from the Division of Scientific Resources, Centers for Disease Control, 1600 Clifton Road NE., MS C–17, Atlanta, Georgia, 30333 or 404–639–3466.

■ 4. Revise § 7.5 to read as follows:

§ 7.5 Payment procedures.

An up-to-date fee schedule and instructions for terms of payment are available from the Division of Scientific Resources, Centers for Disease Control and Prevention, 1600 Clifton Road, MS C–17, Atlanta, Georgia 30333 or 404–639–3466. Any changes in the fee schedule will be published in the **Federal Register**. The fee must be paid in U.S. dollars at the time that the requester requests the biological reference standard or biological preparation.

Dated: July 12, 2013.

Kathleen Sebelius,

Secretary.

[FR Doc. 2013–17543 Filed 7–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 422 and 423

[CMS–4173–CN]

RIN 0938–AR69

Medicare Program; Medical Loss Ratio Requirements for the Medicare Advantage and the Medicare Prescription Drug Benefit Programs; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects technical, typographical, and cross-referencing errors in the final rule that appeared in the May 23, 2013 **Federal Register** titled ''Medicare Program; Medical Loss Ratio Requirements for the Medicare Advantage and the Medicare Prescription Drug Benefit Programs.''

DATES: This correction document is effective on July 22, 2013.

FOR FURTHER INFORMATION CONTACT: Ilina Chaudhuri, 410–786–8628 or *Ilina.Chaudhuri@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2013–12156 of May 23, 2013 (78 FR 31284), there were a number of technical, typographical, and cross-referencing errors that are identified and corrected in the Correction of Errors section of this correcting document. The provisions in this correction document are effective as if they had been included in the document published May 23, 2013. Accordingly, the corrections are effective July 22, 2013.

II. Summary of Errors

- On page 31307, in § 422.2401-Definitions, Non-claims costs, paragraphs (3) and (4) of the regulations text, we made errors in the parenthetical cross-references for the definition of non-claims cost.
- On page 31308, in § 422.2420(c) Determining the MLR denominator, we made an error in the parenthetical cross-references for the regulatory requirement for the total revenue.
- On page 31310, in the table of contents for part 423 Subpart X—Requirements for a Minimum Medical Loss Ratio, we made a typographical error in a section number.
- On page 31311, in § 423.2410-General requirements, and in § 423.2420-Calculation of medical loss ratio, of the regulations text, we made several technical errors in the regulatory requirements as well as typographical errors in several references.
- On page 31312, in § 423.2420(c)(4) and (c)(5) of the regulations text, we incorrectly stated the section number for two parenthetical references. We also made a typographical error in the discussion of total revenue.

III. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

In our view, this correcting document does not constitute a rulemaking that would be subject to the APA notice and comment or delayed effective date requirements. This correcting document corrects technical, typographical, and cross-referencing errors in the Medicare Program; Medical Loss Ratio Requirements for the Medicare Advantage and the Medicare Prescription Drug Benefit Programs final rule and does not make substantive changes to the policies or payment methodologies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the regulations text of the final rule accurately reflects the policies adopted.

In addition, even if this were a rulemaking to which the notice and comment applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule would be contrary to the

public interest. Furthermore, such procedures would be unnecessary, as we are not altering the policies that were already subject to comment and finalized in our final rule. Therefore, we believe we have good cause to waive the notice and comment requirements.

IV. Correction of Errors

In FR Doc. 2013–12156 of May 23, 2013 (78 FR 31284), make the following corrections:

1. On page 31307, lower two-thirds of the page, second column, last paragraph (§ 422.2401—definition of non-claims costs),

a. Line 9 (paragraph 3 of the definition of non-claims costs), the parenthetical cross-reference ''§ 422.2420(c)(2)(ii)'' is corrected to read ''§ 422.2420(c)(2)(i)''.

b. Last line (line 12—paragraph 4 of the definition of non-claims costs), the parenthetical cross-reference ''§ 422.2420(c)(2)(i) and (iii)'' is corrected to read ''§ 422.2420(c)(2)(ii) and (iii)''.

2. On page 31308, third column, first paragraph, § 422.2420(c)-Determining the MLR denominator, lines 11 and 12, the phrase ''in accordance with paragraph (c)(4) of this section'' is corrected to read ''in accordance with paragraphs (c)(4) and (c)(5) of this section.''

3. On page 31310, third column, 10th paragraph (table of contents for part 423 Subpart X), line 2, the section number ''423.2300'' is corrected to read ''423.2400''.

4. On page 31311,

a. First column, 11th paragraph (§ 423.2410(d)),

(1) Line 4, the phrase ''CMS does terminate'' is corrected to read ''CMS terminates''.

(2) Line 5, the cross-reference ''§ 423.509(a)(11) and (14)'' is corrected to read ''§ 423.509(b)(1) and (d)''.

b. Second column, first paragraph (§ 423.2420(b)), line 7, the reference ''paragraph (b)(1)(iv)'' is corrected to read ''paragraphs (b)(5) and (b)(6)''.

c. Third column, third full paragraph (§ 423.2420(c)),

(1) Lines 4 through 6, the phrase ''must be in accordance with paragraph (c)(4) of this section and equal'' is corrected to read ''must equal''.

(2) Line 7, the phrase ''Total revenue is as'' is corrected to read ''Total revenue under the contract is as''.

(3) Line 12 the phrase ''paragraph and (c)(3)'' is corrected to read ''and paragraph (c)(3)''.

(4) Line 13, the phrase ''in accordance with (c)(4)'' is corrected to ''in accordance with paragraphs (c)(4) and (5)''.

5. On page 31312,

a. First column, last paragraph (§ 423.2420(c)(4)), line 2, the parenthetical cross-reference ''§ 422.2420(c)'' is corrected to read ''§ 423.2420(c)''

b. Second column,

(1) First partial paragraph, lines 1 and 2, the phrase ''were assumed and revenue'' is corrected to read ''were assumed and no revenue''.

(2) First full paragraph (§ 423.2420(c)(5)), line 2, the parenthetical reference ''§ 422.2420(c)'' is corrected to read ''§ 423.2420(c)''.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: July 16, 2013.

Jennifer M. Cannistra,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2013–17544 Filed 7–19–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2013–0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

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

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

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

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

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

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

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

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

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

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

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

List of Subjects in 44 CFR Part 67

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

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

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

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

§ 67.11 [Amended]

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

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
LaGrange County, Indiana, and Incorporated Areas Docket No.: FEMA–B–1175			
Basin Lake	Entire shoreline	+902	Unincorporated Areas of LaGrange County.
Big Long Lake	Entire shoreline	+957	Unincorporated Areas of LaGrange County.
Big Turkey Lake	Entire shoreline within community	+932	Unincorporated Areas of LaGrange County.
Cedar Lake	Entire shoreline	+974	Unincorporated Areas of LaGrange County.
Dallas Lake	Entire shoreline	+901	Unincorporated Areas of LaGrange County.
Fish Lake	Entire shoreline	+940	Unincorporated Areas of LaGrange County.
Goose Pond	Entire shoreline	+953	Unincorporated Areas of LaGrange County.
Hackenburg Lake	Entire shoreline	+901	Unincorporated Areas of LaGrange County.
Lake of the Woods	Entire shoreline within community	+953	Unincorporated Areas of LaGrange County.
Little Turkey Lake	Entire shoreline	+930	Unincorporated Areas of LaGrange County.
Martin Lake	Entire shoreline	+902	Unincorporated Areas of LaGrange County.
McClish Lake	Entire shoreline within community	+953	Unincorporated Areas of LaGrange County.
Messick Lake	Entire shoreline	+901	Unincorporated Areas of LaGrange County.
North Twin Lake	Entire shoreline	+846	Unincorporated Areas of LaGrange County.
Olin Lake	Entire shoreline	+902	Unincorporated Areas of LaGrange County.
Oliver Lake	Entire shoreline	+902	Unincorporated Areas of LaGrange County.
Pigeon Lake	Entire shoreline	+848	Unincorporated Areas of LaGrange County.
Pretty Lake	Entire shoreline	+967	Unincorporated Areas of LaGrange County.
Royer Lake	Entire shoreline	+940	Unincorporated Areas of LaGrange County.
Smith Hole	Entire shoreline	+902	Unincorporated Areas of LaGrange County.
South Twin Lake	Entire shoreline	+846	Unincorporated Areas of LaGrange County.
Spectacle Lakes	Entire shoreline	+953	Unincorporated Areas of LaGrange County.
Westler Lake	Entire shoreline	+901	Unincorporated Areas of LaGrange County.
Witmer Lake	Entire shoreline	+901	Town of Wolcottville, Unincorporated Areas of LaGrange County.

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

ADDRESSES

Town of Wolcottville

Maps are available for inspection at e LaGrange County Annex Building, 114 West Michigan Street, LaGrange, IN 46761.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Unincorporated Areas of LaGrange County			
Maps are available for inspection at e LaGrange County Annex Building, 114 West Michigan Street, LaGrange, IN 46761.			
Sauk County, Wisconsin, and Incorporated Areas Docket No.: FEMA–B–1229			
Baraboo River	At the Columbia County boundary	+804	City of Baraboo, City of Reedsburg, Unincorporated Areas of Sauk County, Village of La Valle, Village of North Freedom, Village of Rock Springs, Village of West Baraboo.
	At the Juneau County boundary	+912	
Devil's Lake Tributary (backwater effects from Baraboo River).	At the Baraboo River confluence	+820	City of Baraboo.
	Approximately 780 feet downstream of Old Lake Road	+820	
Hay Creek (backwater effects from Baraboo River).	Approximately 75 feet downstream of County Highway V	+882	City of Reedsburg, Unincorporated Areas of Sauk County.
	Approximately 1,860 feet upstream of County Highway V	+882	
Little Baraboo River (backwater effects from Baraboo River).	At the Baraboo River confluence	+895	Unincorporated Areas of Sauk County, Village of La Valle.
	Approximately 70 feet downstream of State Highway 58	+895	
Narrows Creek (backwater effects from Baraboo River).	At the Baraboo River confluence	+872	Unincorporated Areas of Sauk County, Village of Rock Springs.
	At the downstream side of State Highway 154	+872	
Plum Creek (backwater effects from Baraboo River).	At the Baraboo River confluence	+912	Unincorporated Areas of Sauk County.
	Approximately 0.78 mile upstream of the Baraboo River confluence.	+912	
Seeley Creek (backwater effects from Baraboo River).	At the Baraboo River confluence	+865	Unincorporated Areas of Sauk County.
	Approximately 1,450 feet downstream of Freedom Road	+865	

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

ADDRESSES

City of Baraboo

Maps are available for inspection at City Hall, 135 4th Street, Baraboo, WI 53913.

City of Reedsburg

Maps are available for inspection at City Hall, 134 South Locust Street, Reedsburg, WI 53959.

Unincorporated Areas of Sauk County

Maps are available for inspection at West Square Building, 505 Broadway, Baraboo, WI 53913.

Village of La Valle

Maps are available for inspection at Village Hall, 103 West Main Street, La Valle, WI 53941.

Village of North Freedom

Maps are available for inspection at Village Hall, 103 North Maple Street, North Freedom, WI 53951.

Village of Rock Springs

Maps are available for inspection at Village Hall, 101 1st Street, Rock Springs, WI 53961.

Village of West Baraboo

Maps are available for inspection at Village Hall, 500 Cedar Street, Baraboo, WI 53913.

Washington County, Wisconsin, and Incorporated Area Docket No.: FEMA–B–7755			
Edgewood Creek	At the confluence with North Creek	+947	Unincorporated Areas of Washington County, Village of Kewaskum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	Approximately 1,120 feet upstream of Kewaskum Village Limits.	+981	
Overflow	Approximately 115 feet downstream of Clinton Road	+937	Unincorporated Areas of Washington County, Village of Kewaskum.
	At confluence with Edgewood Creek	+951	
Kettleview Creek	At the confluence with Kewaskum Creek	+940	Unincorporated Areas of Washington County, Village of Kewaskum.
	Downstream side of County Highway B	+1025	
Kewaskum Creek	Just downstream of County Road H	+938	Unincorporated Areas of Washington County, Village of Kewaskum.
	Approximately 800 feet downstream of Badger Road	+998	
Overflow	At the confluence with Kettleview Creek	+946	Unincorporated Areas of Washington County.
	At the confluence with Kewaskum Creek	+952	
Knights Creek	At the confluence with North Creek	+952	Unincorporated Areas of Washington County, Village of Kewaskum.
	Approximately 725 feet downstream of Highland Drive	+1032	
Milwaukee River	Approximately 225 feet upstream of River Road	+887	Unincorporated Areas of Washington County, City of West Bend.
	Downstream side of Barton Avenue	+902	
	Upstream side of Hickory Road	+835	Unincorporated Areas of Washington County, Village of Newburg.
	Approximately 2,900 feet upstream of Main Street	+850	
North Creek	At the confluence with the Milwaukee River	+938	Unincorporated Areas of Washington County, Village of Kewaskum.
	Approximately 100 feet downstream of Highland Drive	+1042	
Quaas Creek	Just upstream of County Highway I	+875	Unincorporated Areas of Washington County, City of West Bend.
	Approximately 285 feet downstream of Paradise Drive	+979	
Unnamed Tributary to Kewaskum Creek.	At the confluence with Kewaskum Creek	+955	Unincorporated Areas of Washington County.
	Approximately 350 feet downstream of Kettleview Drive	+979	
Wingate Creek	Just downstream of State Highway 33	+870	Unincorporated Areas of Washington County, City of West Bend.
	Approximately 420 feet downstream of Wallace Lake Road.	+904	

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

ADDRESSES

City of West Bend
Maps are available for inspection at City Hall, 1115 South Main Street, West Bend, WI 53095.

Unincorporated Areas of Washington County
Maps are available for inspection at County Building, 432 East Washington Street, West Bend, WI 53095.

Village of Kewaskum
Maps are available for inspection at Village Hall, 204 First Street, Kewaskum, WI 53040.

Village of Newburg
Maps are available for inspection at Village Hall, 614 Main Street, Newburg, WI 53060.

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

Date: June 28, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17443 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2013–0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

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

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

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

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

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

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

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

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

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

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

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

List of Subjects in 44 CFR Part 67

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

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

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

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

§ 67.11 [Amended]

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

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Webster County, Kentucky, and Incorporated Areas Docket No.: FEMA–B–1085			
Bailey Ditch (Backwater effects from Green River).	From the confluence with Knoblick Creek to approximately 0.93 mile upstream of the confluence with Knoblick Creek.	+387	Unincorporated Areas of Webster County.
Deer Creek (Backwater effects from Green River).	From the confluence with East Fork Deer Creek to approximately 1.5 mile upstream of the confluence with East Fork Deer Creek.	+387	Unincorporated Areas of Webster County.
East Fork Deer Creek Tributary 1 (Backwater effects from Green River).	From the confluence with Deer Creek to approximately 2.7 miles upstream of the confluence with Deer Creek.	+387	Unincorporated Areas of Webster County.
Green River	At approximately 1.5 mile downstream of the confluence with Groves Creek.	+386	City of Sebree, Unincorporated Areas of Webster County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	At approximately 5.2 miles upstream of the confluence with Deer Creek.	+388	
Green River Tributary 219 (Backwater effects from Green River).	From the confluence with the Green River to approximately 1.5 mile upstream of the confluence with the Green River.	+387	Unincorporated Areas of Webster County.
Groves Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 5.9 miles upstream of the confluence with the Green River.	+386	Unincorporated Areas of Webster County.
Knoblick Creek (Backwater effects from Green River).	From the confluence with Deer Creek to approximately 2.8 miles upstream of the confluence with Deer Creek.	+387	Unincorporated Areas of Webster County.
Mock Roy Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 2.5 miles upstream of the confluence with the Green River.	+386	City of Sebree, Unincorporated Areas of Webster County.
Pitman Creek (Backwater effects from Green River).	Approximately 1,690 feet upstream of KY–370	+388	Unincorporated Areas of Webster County.
	At approximately 3.8 miles upstream of the confluence with the Green River.	+388	

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

ADDRESSES

City of Sebree

Maps are available for inspection at 36 South Spring Street, Sebree, KY 42455.

Unincorporated Areas of Webster County

Maps are available for inspection at 35 South US Route 41A, Dixon, KY 42409.

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

Dated: June 28, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17458 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register
Vol. 78, No. 140
Monday, July 22, 2013

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 947

[Doc. No. AMS–FV–13–0036; FV13–947–1 PR]

Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in All Counties in Oregon, Except Malheur County; Termination of Marketing Order No. 947

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the termination of Marketing Order No. 947 (order), which regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and in all counties in Oregon, except Malheur County, and the rules and regulations issued thereunder. The order is administered locally by the Oregon-California Potato Committee (Committee), which recommended termination of the marketing order at a meeting held on March 7, 2013. This recommendation is based on the Committee's determination that the order is no longer an effective marketing tool for the Oregon-California potato industry, and that termination would best serve the current needs of the industry while also eliminating the costs associated with operating the marketing order.

DATES: Comments must be received by September 20, 2013.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Bright, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 205–2830, Fax: (202) 720–8938 or Email: *Kathleen.Bright@ams.usda.gov* or Michelle Sharrow, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–9921, Fax: (202) 720–8938 or Email: *Michelle.Sharrow@ams.usda.gov.*

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

SUPPLEMENTARY INFORMATION: This proposal is governed by § 608c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act'', and § 947.71 of Marketing Agreement No. 114 and Marketing Order No. 947, both as amended (7 CFR part 947), effective under the Act and hereinafter referred to as the ''order''.

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

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

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

This proposal invites comments on the termination of the order and the rules and regulations issued thereunder. The order authorizes regulation of the handling of Oregon-California potatoes. At a meeting held in Salem, Oregon, on March 7, 2013, the Committee recommended termination of the order.

Section 947.71 of the order provides, in pertinent part, that USDA terminate or suspend any or all provisions of the order when a finding is made that the order does not tend to effectuate the declared policy of the Act. In addition, section 608c(16)(A) of the Act provides that USDA terminate or suspend the operation of any order whenever the order or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act. Additionally, USDA is required to notify Congress not later than 60 days before the date the order would be terminated.

The order has been in effect since 1942 and provides the Oregon-California potato industry with authority to establish grade, size, maturity, quality, pack and inspection requirements. The order also authorizes marketing research and development projects, the collection of assessments, and reporting and recordkeeping requirements.

Based on the Committee's recommendation, USDA suspended the order's handling, reporting, and assessment collection regulations effective July 1, 1999 (64 FR 49352). The suspended handling regulations (§ 947.340) consist of minimum quality requirements for potatoes produced within the regulated production area. When the Committee made the

recommendation to suspend the handling regulations, the industry believed that the costs of inspections outweighed the benefits of having the regulatory requirements in effect. At that time, the Committee also suspended the collection of assessments because there were sufficient funds in the monetary reserve to support the Committee's administrative functions. Suspension of §§ 947.247 and 947.180 suspended the collection of assessments and the reporting provision that provided a basis for assessment collection. The Committee also decided to evaluate its finances and the marketing conditions annually thereafter to determine whether to continue with the suspension or take some other action.

After almost 14 years of evaluating the effects of operating without the handling, reporting, and collection of assessment regulations, the Committee has determined that suspension of the regulations has not adversely impacted the Oregon-California potato industry. Analysis of the marketing conditions over the past 14 years, and analysis of statistics showing that the Oregon-California potato industry has steadily declined over the past several years, led the Committee to conclude that the order is no longer an effective marketing tool. Termination would relieve the industry of the costs and burdens associated with the order.

Evidence reflecting the industry's steady decline include statistics showing that the Oregon-California potato industry has fewer producers and handlers today than there were 30 years ago, and that acreage and production have significantly decreased. For example, USDA Marketing Order and Agreement Division records from a continuance referendum in 1978 indicate that there were approximately 464 producers of potatoes in the order's production area, while the most recent information received from the Committee indicates that there are now only 130 active producers. Furthermore, Committee records indicate that there were 47 handlers in 1978. Currently, there are only 16 handlers operating. Committee records also indicate that 6,810,195 hundredweight of Oregon-California potatoes were shipped in 1978 as compared to the 3,430,548 hundredweight shipped in 2011.

The proposed termination of the order is intended to solicit input and any additional information available from interested parties regarding whether the order should be terminated. USDA will evaluate all available information prior to making a final determination on this matter. Termination of the order would become effective only after a 60-day notification to Congress as required by law.

Initial Regulatory Flexibility Analysis

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

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

There are 16 handlers of potatoes subject to regulation under the order and approximately 130 potato producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000. (13 CFR 121.201)

During the 2011 marketing year, the Committee reports that 3,430,548 hundredweight of Oregon-California potatoes were shipped into the fresh market. Based on information from the National Agricultural Statistics Service, the average producer prices for Oregon and California potatoes in 2011 were $8.05 and $14.70 per hundredweight, respectively. Multiplying the 2011 shipment quantity times each of the two state average producer prices, the average gross annual revenue for the 130 Oregon-California potato producers is calculated to range between $212,430 and $387,916.

Typical f.o.b. shipper prices were estimated to be about $2.00 higher than the average grower price per hundredweight. The Committee estimated handler annual receipts from the sale of potatoes by multiplying the estimated shipper prices by individual handler shipment quantities. Based on those computations, the Committee estimated that 15 out of the 16 handlers, or approximately 94 percent, had annual receipts of less than $7,000,000. In view of the foregoing, the majority of Oregon-California potato producers and handlers may be classified as small entities.

This proposed rule would terminate the Federal marketing order for Oregon-California potatoes and the rules and regulations issued thereunder. The order authorizes regulation of the handling of Oregon-California potatoes. The Committee has determined that the order is no longer an effective marketing tool for the Oregon-California potato industry. Evidence shows that suspension of the handling regulations has not adversely impacted the shipment of potatoes and that the costs associated with the order outweigh the benefits. The Committee also believes that the decline in the number of handlers and producers, and the acreage and volume of Oregon-California potatoes supports termination of the order. As a consequence, in a vote at a meeting on March 7, 2013, the Committee recommended that USDA terminate the order.

Section 947.71 of the order provides that USDA terminate or suspend any or all provisions of the order when a finding is made that the order does not tend to effectuate the declared policy of the Act. Furthermore, § 608c(16)(A) of the Act provides that USDA shall terminate or suspend the operation of any order whenever the order or provision thereof obstructs or does not tend to effectuate the declared policy of the Act. An additional provision requires that Congress be notified not later than 60 days before the date the order would be terminated.

The proposed termination of the order is a regulatory relaxation and would reduce the costs to both handlers and producers (while marketing order requirements are applied to handlers, the costs of such requirements are often passed on to producers). Furthermore, following a period of approximately 14 years of regulatory suspension, the Committee has determined that termination of the order would not adversely impact the Oregon-California potato industry.

The Committee considered alternatives to this rule, including continuing with the suspension of the handling regulations, which would require no regulatory action at this time; however, this would require the Committee to continue collecting assessments and enforcing the reporting requirements. The Committee also considered requesting a producer continuance referendum. The Committee did not support either option, and instead recommended that the order be terminated.

This proposed rule is intended to solicit input and other available information from interested parties on whether the order should be terminated. USDA will evaluate all available

information prior to making a final determination on this matter.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the information collection requirements being terminated were approved previously by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Generic Vegetable and Specialty Crops. Termination of the reporting requirements under the marketing order would reduce the reporting and recordkeeping burden on California and Oregon potato handlers by 316.42 hours, and should further reduce industry expenses.

Since handlers would no longer be required to file forms with the Committee, this proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large entities.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

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

The Committee's meeting was widely publicized throughout the Oregon-California potato industry, and all interested persons were invited to attend the meeting and participate in the Committee's deliberations. Like all Committee meetings, the March 7, 2013, meeting was a public meeting, and all entities, both large and small, were able to express their views on this issue. Additionally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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

This proposal invites comments on the termination of Marketing Order No. 947, which regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and in all counties in Oregon, except Malheur County. All written comments received in a timely manner will be considered before a final determination is made on this matter.

Based on the foregoing, and pursuant to § 608c(16)(A) of the Act and § 947.71 of the order, USDA is considering termination of the order. If USDA decides to terminate the order, trustees would be appointed to conclude and liquidate the affairs of the Committee, and would continue in that capacity until discharged by USDA. In addition, USDA would notify Congress 60 days in advance of termination pursuant to § 608c(16)(A) of the Act.

List of Subjects in 7 CFR Part 947

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

PART 947—[REMOVED]

■ For the reasons set forth in the preamble, under the authority of 7 U.S.C. 601–674, 7 CFR part 947 is proposed to be removed.

Dated: July 16, 2013.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2013–17464 Filed 7–19–13; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL RESERVE SYSTEM

12 CFR Parts 208 and 225

[Regulations H, Q, and Y; Docket No. R–1459]

RIN 7100 AD–98

Risk-Based Capital Guidelines; Market Risk

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking (NPR).

SUMMARY: The Board of Governors of the Federal Reserve System (Board) proposes to revise its market risk capital rule (market risk rule) to address recent changes to the Country Risk Classifications (CRCs) published by the Organization for Economic Cooperation and Development (OECD), which are referenced in the Board's market risk rule; to clarify the treatment of certain traded securitization positions; to make a technical amendment to the definition of covered position; and to clarify the timing of the required market risk disclosures. These changes would conform the Board's current market risk rule to the requirements in the Board's new capital framework and thereby allow the current market risk rule to serve as a bridge until the new capital framework becomes fully effective for all banking organizations.

DATES: Comments must be submitted on or before September 3, 2013.

ADDRESSES: Comments should be directed to:

When submitting comments, please consider submitting your comments by email or fax because paper mail in the Washington, DC area and at the Board may be subject to delay. You may submit comments, identified by Docket No. R–1459 and RIN No. 7100 AD–98, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the Docket and RIN numbers in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Street NW., Washington, DC 20551) between 9 a.m. and 5 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Constance Horsley, Manager, (202) 452–5239, or Tim Geishecker, Senior Supervisory Financial Analyst, (202) 475–6353, Capital and Regulatory Policy, Division of Banking Supervision and Regulation; or Benjamin McDonough, Senior Counsel, (202) 452–2036, or Mark Buresh, Attorney (202) 452–5270, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

On August 30, 2012, the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC)

(collectively, the agencies) published a final rule to revise their respective market risk rules (the August 2012 final rule).[1] The rule revised the market risk rule to better capture positions for which the market risk rule is appropriate; reduce pro-cyclicality; enhance the rules' sensitivity to risks that were not adequately captured under the existing methodologies; and increase transparency through enhanced disclosures.

As described in more detail in the August 2012 final rule, the revisions to the market risk rule were designed to incorporate features of documents published by the Basel Committee on Bank Supervision (BCBS) and the International Organizations of Securities Commissions (IOSCO) in 2005, 2009, and 2010 that revised the market risk framework,[2] and to implement certain provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act), including the prohibition against including references to credit ratings in Federal regulations set forth in section 939A.[3]

Revisions to the market risk framework from both 2005 and 2009 included provisions that reference credit ratings. The 2005 revisions also expanded the ''government'' category of debt positions to include all sovereign debt and changed the standardized specific risk-weighting factor for sovereign debt from 0 percent to a range of between 0 and 12 percent based on the credit rating of the obligor and the remaining contractual maturity of the debt position.

In the United States, section 939A the Dodd-Frank Act prevents the agencies from implementing those aspects of the BCBS revisions that relied on the use of credit ratings. Instead, the agencies developed alternative standards of creditworthiness and, in a joint notice of proposed rulemaking (NPR) published in December 2011, the agencies proposed to incorporate the non-credit rating based standards into the market risk rule's calculation of specific risk capital requirements for sovereign debt positions, certain other covered debt positions, and securitization positions.[4] The August 2012 final rule incorporated those non-credit ratings based standards for measuring specific risk capital requirements.

In this NPR, the Board is proposing to revise its market risk rule to address recent changes to the country risk classifications (CRCs) published by the Organization for Economic Cooperation and Development (OECD); clarify the treatment of certain traded securitization positions; make a technical amendment to the definition of covered position; and clarify the timing of required market risk disclosures. These proposed changes would conform the Board's current market risk rule to the material requirements in the Board's new capital framework and thereby allow the current market risk rule to serve as a bridge until the new capital framework becomes fully effective for all banking organizations.

II. Description of Proposed Revisions to the Market Risk Rule

A. Sovereign Debt Positions

Under the current market risk rule, a sovereign entity is defined as a central government (including the U.S. government) or an agency, department, ministry, or central bank of a central government. The specific risk capital requirement for a sovereign debt position that is not backed by the full faith and credit of the United States is determined, in part, using CRCs based on the OECD's CRC methodology. The OECD's CRCs are an assessment of country risk, used to set interest rates for transactions covered by the OECD arrangement on export credits.

The OECD's CRC methodology was established in 1999 and classifies countries into categories based on the application of two basic components: (1) the country risk assessment model (CRAM), which is an econometric model that produces a quantitative assessment of country credit risk; and (2) the qualitative assessment of the CRAM results, which integrates political risk and other risk factors not fully captured by the CRAM. The two components of the CRC methodology are combined and result in countries being classified into one of eight risk categories (0–7), with countries assigned to the 0 category having the lowest possible risk assessment and countries assigned to the 7 category having the highest. The OECD regularly updates CRCs for over 150 countries.[5] Also, CRCs are recognized by the BCBS as an alternative to credit ratings.[6]

As noted in the preamble to the August 2012 final rule, the agencies determined that the use of CRCs to measure sovereign risk for purposes of their respective risk-based capital regulations is permissible under section 939A of the Dodd-Frank Act, because section 939A was not intended to apply to assessments made by organizations such as the OECD. Additionally, the agencies noted that the use of the CRCs was limited in scope.

Following the publication of the August 2012 final rule, the OECD determined that it will no longer classify certain high-income countries that previously received a CRC of zero. Under the August 2012 final rule, sovereign debt positions without a CRC generally receive a specific risk-weighting factor of 8 percent (the equivalent of a 100 percent risk weight). According to the OECD, the CRAM was not used to categorize high-income OECD and Euro Area countries, therefore, the OECD determined that applying a CRC to such countries was no longer appropriate.[7] However, the OECD stated that such countries ''will remain subject to the same market credit risk pricing disciplines that are applied to all Category Zero countries. This

[1] 77 FR 53060 (August 30, 2012). The agencies' market risk rules are at 12 CFR part 3, appendix B (OCC); 12 CFR parts 208 and 225, appendix E (Board); and 12 CFR part 325, appendix C (FDIC).

[2] The BCBS published a revised capital framework in 2004 entitled *International Convergence of Capital Measurement and Capital Standards: A Revised Framework* (Basel II Accord) (available at *http://www.bis.org/publ/bcbs107.htm*) and, between 2005 and 2010, made revisions included in the 2005 publication of *The Application of Basel II to Trading Activities and the Treatment of Double Default Effects* (available at *http://www.bis.org/publ/bcbs111.htm*); the 2009 publications of *Revisions to the Basel II Market Risk Framework* (available at *http://www.bis.org/publ/bcbs158.htm*), *Guidelines for Computing Capital for Incremental Risk in the Trading Book* (available at *http://www.bis.org/publ/bcbs159.htm*), and *Enhancements to the Basel II Framework* (available at *http://www.bis.org/publ/bcbs/basel2enh0901.htm*); and the 2010 publication that established a floor on the risk-based capital requirement for modeled correlation trading positions (available at *http://www.bis.org/press/p100618/annex.pdf*). The agencies provided additional detail on this history in the preamble to the August 2012 final rule. *See,* 77 FR 53060, 53060–53062 (August 30, 2012).

[3] Public Law 111–203, 124 Stat. 1376 (July 21, 2010). Section 939A(a) of the Dodd-Frank Act provides that not later than 1 year after the date of enactment, each Federal agency shall: (1) Review any regulation issued by such agency that requires the use of an assessment of the credit-worthiness of a security or money market instrument; and (2) any references to or requirements in such regulations regarding credit ratings. Section 939A further provides that each such agency ''shall modify any such regulations identified by the review under subsection (a) to remove any reference to or requirement of reliance on credit ratings and to substitute in such regulations such standard of credit-worthiness as each respective agency shall determine as appropriate for such regulations.'' *See* 15 U.S.C. 78o–7 note.

[4] 76 FR 79380 (December 21, 2011).

[5] Please refer to *http://www.oecd.org/document/49/0,3343,en_2649_34169_1901105_1_1_1_1,00.html* for more information on the OECD CRC methodology.

[6] *See, Basel II: International Convergence of Capital Measurement and Capital Standards: A Revised Framework—Comprehensive Version* (June 2006). See paragraph 55 at page 20. Available at *http://www.bis.org/publ/bcbs128b.pdf.*

[7] ''Changes agree to the Participant Country Risk Classification System,'' *available at: http//www.oecd.org/tad/xcred/cat0.htm.*

means that the change will have no practical impact on the rules that apply to the provision of official export credits.'' [8]

In light of these changes and recognizing that CRCs have certain limitations, the Board continues to believe that referencing CRCs in its market risk rule is appropriate and represents a reasonable alternative to credit ratings for sovereign exposures. Moreover, the CRC methodology is more granular and risk-sensitive than the previous risk-weighting methodology, which was based solely on a sovereign entity's OECD membership. Furthermore, referencing CRCs poses moderate additional burden for banking organizations, because the OECD regularly updates CRCs and makes the assessments available on its public Web site. Additionally, the use of CRCs is consistent with the treatment of sovereign debt positions in the Basel II Accord.[9]

Consistent with the August 2012 final rule, the proposal would map the risk weights to CRCs in a manner consistent with the Basel II standardized approach, which provides risk weights for exposures to foreign sovereigns based on CRCs. This proposal would amend the Board's market risk rule to allow exposures to OECD member countries that are covered positions and that no longer receive a CRC to continue to receive a zero percent specific risk-weighting factor (except in cases of default by the sovereign entity). The revised specific risk-weighting factors for sovereign debt positions, with the new category for OECD members with no CRC rating, are set forth in Table 1.

TABLE 1—SPECIFIC RISK-WEIGHTING FACTORS FOR SOVEREIGN DEBT POSITIONS

	Remaining contractual maturity	Risk-weighting factor (in percent)
Sovereign CRC:		
0–1		0
2–3	6 months or less	0.25
	Greater than 6 months and up to and including 24 months	1.0
	Exceeds 24 months	1.6
4–6		8.0
7		12.0
OECD Member with No CRC		0.0
Non-OECD Member with No CRC		8.0
Sovereign Default		12.0

A banking organization may assign to a sovereign debt position a specific risk-weighting factor lower than the applicable specific risk-weighting factor in Table 1 if the position is denominated in the sovereign entity's currency, the banking organization has at least an equivalent amount of liabilities in that foreign currency, and the sovereign entity allows banks under its jurisdiction to assign the lower specific risk-weighting factor to the same exposures to the sovereign entity.

The Board notes that the specific risk-weighting factors for debt positions that are exposures to a public sector entity (PSE), depository institution, foreign bank, or credit union will continue to be tied to the CRC of the applicable sovereign entity. Therefore, under the proposed changes to the market risk rule, a banking organization must assign a specific risk-weighting factor of 0.25, 1.0, or 1.6 percent (depending on the remaining contractual maturity of the position), to a debt position that is an exposure to a PSE, depository institution, foreign bank, or credit union, if the applicable sovereign entity does not have a CRC but is a member of the OECD, unless the sovereign debt position must otherwise be assigned a higher specific risk-weighting factor (for example, in the case of default by the sovereign entity). For each applicable table of specific risk-weighting factors in the rule, the Board proposes to add an ''OECD Member with No CRC'' category and to revise the current ''No CRC'' category to read ''Non-OECD Member with No CRC,'' each with appropriate corresponding specific risk-weighting factors. This additional category would address those situations, discussed above, where a sovereign entity that had received a CRC of zero will no longer receive a CRC going forward. This approach to an exposure to a sovereign entity, PSE, depository institution, foreign bank, or credit union is consistent with the approach that the agencies are finalizing in their new comprehensive capital framework.

Following the publication of the August 2012 final rule and the three interagency proposals to revise the agencies' risk-based capital rules consistent with the Basel III Accord and with the Dodd-Frank Act, some commenters contended that the OECD's CRC methodology unduly benefits certain jurisdictions with unstable fiscal positions, because certain countries that restructured their sovereign debt due to financial distress were able to retain their preferential CRC.[10] This concern is misplaced, however, because the August 2012 final rule requires a banking organization to apply a higher 12 percent specific risk-weighting factor (the equivalent of a 150 percent risk weight) to sovereign debt positions upon determining that an event of sovereign default has occurred during the previous five years. Under the proposal, the Board's market risk rule will retain this treatment for defaulted sovereign exposures. Under the proposal, as under the current rule, default by a sovereign entity would be defined as noncompliance by the sovereign entity with its external debt service obligations or the inability or unwillingness of a sovereign government to service an existing loan according to its original terms, as evidenced by failure to pay principal and interest timely and fully, arrearages, or restructuring. A default includes a voluntary or involuntary restructuring that results in a sovereign not servicing an existing obligation in accordance with the obligation's original terms.

B. Securitization Positions—Simplified Supervisory Formula Approach

The August 2012 final rule removed the option for banking organizations to use an internal model to measure the

[8] Id.

[9] *See* footnote 2.

[10] 77 FR 52793 (August 30, 2012); 77 FR 52888 (August 30, 2012); 77 FR 52978 (August 30, 2012).

specific risk of most securitization positions and instead provided that a banking organization subject to the market risk rule generally must assign a 100 percent specific risk-weighting factor to its securitization positions or apply the so-called Simplified Supervisory Formula Approach (SSFA), which takes into account the nature and quality of the underlying collateral of the securitization and was designed to apply relatively higher capital requirements to the more risky junior tranches of a securitization that are the first to absorb losses and relatively lower requirements to the most senior positions. This NPR would clarify the treatment of certain securitization positions under the SSFA with regard to determining the delinquency of the underlying exposures as discussed below.

Among the inputs to the SSFA is a parameter designed to increase the capital requirements for a securitization exposure when delinquencies in the underlying assets of the securitization grow. In the SSFA, this is labeled as the ''*W*'' parameter. This parameter *W* equals the ratio of (1) the sum of the dollar amounts of any underlying exposures of the securitization that meet certain criteria to (2) the balance, measured in dollars, of underlying exposures. The criteria are that the underlying exposure is 90 days or more past due, subject to a bankruptcy or insolvency proceeding, in the process of foreclosure, held as real estate owned, in default, or has contractually deferred interest payments for 90 days or more.

Since the issuance of the August 2012 final rule, banking organizations subject to the rule have commented that the criteria could be read to include deferrals of interest that are unrelated to the performance of the loan or the borrower and may inappropriately include certain federally guaranteed student loans. The Board did not intend for parameter *W* to be interpreted in this manner. Instead, the August 2012 final rule was intended to capture contractual provisions present in certain instruments that permit borrowers to defer payments due to financial difficulties and, therefore, may conceal credit quality deterioration in the assets underlying a securitization exposure. Accordingly, the Board proposes to clarify parameter *W* in its market risk rule to ensure that parameter *W* excludes loans with contractual provisions that allow deferral of principal and interest on federally-guaranteed student loans, in accordance with the terms of those guarantee programs, or on consumer loans including non-federally-guaranteed student loans, provided that such payments are deferred pursuant to provisions included in the contract at the time funds are disbursed that provide for periods of deferral that are not initiated based on changes in the creditworthiness of the borrower. This clarification would help to avoid regulatory disincentives for banking organizations to invest in securitizations, particularly securitizations of federally-guaranteed student loans, where the underlying exposures include provisions that allow for the deferral of certain payments for non-credit related reasons. This clarification is consistent with the approach that the agencies are finalizing in their new comprehensive capital framework.

C. Definition of Covered Position

The Board proposes to make a technical amendment to the market risk rule with respect to the definition of ''covered position.'' Currently, this definition excludes equity positions that are not publicly traded. The Board proposes to refine this exception such that a covered position may include a position in an investment company, as defined in and registered with the SEC under the Investment Company Act of 1940 (15 U.S.C. 80 a–1 *et seq.*) (or its non-U.S. equivalent), that is not publicly traded, provided that all the underlying equities held by the investment company are publicly traded. The Board believes that a ''look-through'' approach is appropriate in these circumstances because of the liquidity of the underlying positions, so long as the other conditions of a covered position are satisfied. This modification to the definition of ''covered position'' is consistent with the approach that the agencies are finalizing in their new comprehensive capital framework.

D. Timing of Market Risk Disclosures

The Board proposes to clarify when a banking organization subject to the market risk rule must make its required market risk disclosures. These changes would conform the current market risk rule to the final comprehensive capital framework and are consistent with the expectation that public disclosures should be made in a timely manner. Under the proposal, a banking organization would be required to provide timely quantitative disclosures after each calendar quarter. In addition, the proposal would clarify that a banking organization would be required to provide timely qualitative disclosures at least annually, after the end of the fourth calendar quarter, provided any significant changes must be disclosed in the interim.

The Board acknowledges that the timing of disclosures that are required by the federal banking agencies may not always coincide with the timing of disclosures required under other federal laws, including disclosures required under the federal securities laws and their implementing regulations by the SEC. For calendar quarters that do not correspond to fiscal year-end, the Board would consider those disclosures that are made within 45 days of the end of the calendar quarter (or within 60 days for the limited purpose of the banking organization's first reporting period in which it is subject to the rule) as timely. In general, where a banking organization's fiscal year-end coincides with the end of a calendar quarter, the Board would consider disclosures to be timely if they are made no later than the applicable SEC disclosure deadline for the corresponding Form 10–K annual report. In cases where an institution's fiscal year-end does not coincide with the end of a calendar quarter, the primary federal supervisor would consider the timeliness of disclosures on a case-by-case basis. In some cases, a banking organization's management may determine that a significant change has occurred, such that the most recent reported amounts do not reflect the banking organization's capital adequacy and risk profile. In those cases, a banking organization would be required to disclose the general nature of these changes and briefly describe how they are likely to affect public disclosures going forward.

III. Solicitation of Comments

The Board solicits comments on the proposed changes to the determination of specific risk-weighting factors for sovereign debt and related positions, the proposed revisions to parameter *W* in the SSFA, the proposed amendments to the definition of ''covered position,'' and the proposed clarifications regarding the timing of disclosures under the market risk rule. In particular, the Board solicits comments on whether the proposed revisions to parameter *W* and the definition of ''covered position'' appropriately cover the types of loans and entities (for example, investment companies that are not publicly traded), respectively, that the Board intends to cover by these revisions, as discussed in this preamble. In addition, the Board solicits comments on whether, for purposes of any final rule, the Board should adopt any necessary conforming

changes to subpart F of the Board's new capital framework.[11]

IV. Regulatory Analysis

A. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq. (RFA) requires an agency to provide an initial regulatory flexibility analysis with a proposed rule or to certify that the rule will not have a significant economic impact on a substantial number of small entities (defined for purposes of the RFA beginning on July 22, 2013, to include banks with assets less than or equal to $500 million)[12] and publish its certification and a short, explanatory statement in the **Federal Register** along with the proposed rule.

The Board is providing an initial regulatory flexibility analysis with respect to this NPR. As discussed above, this NPR is designed to enhance the safety and soundness of entities with substantial trading activities that the Board supervises. Under regulations issued by the Small Business Administration, a small entity includes a depository institution or bank holding company with total assets of $500 million or less (a small banking organization). As of March 31, 2013, there were 636 small state member banks. As of December 31, 2012, there were approximately 3,802 small bank holding companies.

The proposal would apply only to banking organizations supervised by the Board with aggregate trading assets and trading liabilities (as reported in the banking organizations' most recent quarterly regulatory reporting form) equal to 10 percent or more of quarter-end assets or $1 billion or more. Currently, no small state member bank or small banking holding company would meet these threshold criteria, so there would be no additional projected compliance requirements imposed on small banking organizations supervised by the Board. The Board is aware of no other Federal rules that duplicate, overlap, or conflict with the proposed rule. The Board believes that the proposed rule will not have a significant economic impact on small banking organizations supervised by the Board and therefore believes that there are no significant alternatives to the proposed rule that would reduce the economic impact on small banking organizations supervised by the Board.

The Board welcomes comment on all aspects of its analysis. A final regulatory flexibility analysis will be conducted after consideration of comments received during the public comment period.

B. Solicitation of Comments on Use of Plain Language

Section 722 of the GLBA required the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The federal banking agencies invite comment on how to make this proposed rule easier to understand. For example:

- Have we organized the material to suit your needs? If not, how could the rule be more clearly stated?
- Are the requirements in the rule clearly stated? If not, how could the rule be more clearly stated?
- Do the regulations contain technical language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes would make the regulation easier to understand?
- Would more, but shorter, sections be better? If so, which sections should be changed?
- What else could we do to make the regulation easier to understand?

C. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the agencies reviewed this notice of proposed rulemaking regarding revisions to the market risk rule for exposures to sovereign entities, the criteria used for purposes of the calculation of the SSFA parameter *W* factor for certain securitization exposures, the definition of ''covered position,'' and the timing of market risk disclosures.[13] No additional collections of information pursuant to the Paperwork Reduction Act are contained in this notice of proposed rulemaking.

List of Subjects

12 CFR Part 208

Confidential business information, Crime, Currency, Federal Reserve System, Mortgages, reporting and recordkeeping requirements, Securities.

12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

Board of Governors of the Federal Reserve System

12 CFR CHAPTER II

Authority and Issuance

For the reasons set forth in the preamble, parts 208 and 225 of chapter II of title 12 of the Code of Federal Regulations are proposed to be amended as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

■ 1. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1833(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1831x, 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, 3905–3909, and 5371; 15 U.S.C. 78b, 78I(b), 78l(i), 780–4(c)(5), 78q, 78q–1, and 78w, 1681s, 1681w, 6801, and 6805; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106 and 4128.

■ 2. Amend appendix E, section 2, by revising paragraphs (3)(v)–(vii) and adding paragraph (3) (viii) in the definition of ''Covered position'' to read as follows:

Appendix E to Part 208—Risk-Based Capital Guidelines; Market Risk

* * * * *

Section 2. Definitions

* * * * *

Covered position * * *

(3) * * *

(v) Any equity position that is not publicly traded, other than a derivative that references a publicly traded equity and other than a position in an investment company as defined in and registered with the SEC under the Investment Company Act of 1940 (15 U.S.C. 80 a–1 *et seq.*), provided that all the underlying equities held by the investment company are publicly traded;

(vi) Any equity position that is not publicly traded, other than a derivative that references a publicly traded equity and other than a position in an entity not domiciled in the United States (or a political subdivision thereof) that is supervised and regulated in a manner similar to entities described in paragraph (3)(v) of this definition;

(vii) Any position a bank holds with the intent to securitize; or

(viii) Any direct real estate holding.

* * * * *

■ 3. Amend appendix E, section 10, by

■ (a) Revising paragraph (b)(2)(i)(A), Table 2, and paragraphs (b)(2)(i)(B), (C), and (D), and adding paragraph (b)(2)(i)((E);

■ (b) Revising paragraph (b)(2)(iv)(A) and Table 3;

[11] To be codified at 12 CFR part 217, subpart F.

[12] *See* 13 CFR 121.201. Effective July 22, 2013, the Small Business Administration revised the size standards for banking organizations to $500 million in assets from $175 million in assets. 78 FR 37409 (June 20, 2013).

[13] 44 U.S.C. 3501 *et seq.*

■ (c) Revising paragraph (b)(2)(v), Table 4 and Table 5 to read as follows:

Section 10. Standardized Measurement Method for Specific Risk

* * * * *

(b) *Debt and securitization positions.** * *

(2) * * *

(i) *Sovereign Debt Positions.* (A) In accordance with Table 2, a bank must assign a specific risk-weighting factor to a sovereign debt position based on the CRC applicable to the sovereign entity and, as applicable, the remaining contractual maturity of the position, or, if there is no CRC applicable to the sovereign entity, based on whether the sovereign entity is a member of the OECD. Notwithstanding any other provision in this appendix E, sovereign debt positions that are backed by the full faith and credit of the United States are treated as having a CRC of 0.

TABLE 2—SPECIFIC RISK-WEIGHTING FACTORS FOR SOVEREIGN DEBT POSITIONS

	Specific risk-weighting factor (in percent)	
CRC:		
0–1	0.0	
2–3	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
4–6	8.0	
7	12.0	
OECD Member with No CRC	0.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

(B) Notwithstanding paragraph (b)(2)(i)(A) of this section, a bank may assign to a sovereign debt position a specific risk-weighting factor that is lower than the applicable specific risk-weighting factor in table 2 if:

(*1*) The position is denominated in the sovereign entity's currency;

(*2*) The bank has at least an equivalent amount of liabilities in that currency; and

(*3*) The sovereign entity allows banks under its jurisdiction to assign the lower specific risk-weighting factor to the same exposures to the sovereign entity.

(C) A bank must assign a 12.0 percent specific risk-weighting factor to a sovereign debt position immediately upon determination a default has occurred; or if a default has occurred within the previous five years.

(D) A bank must assign a 0.0 percent specific risk-weighting factor to a sovereign debt position if the sovereign entity is a member of the OECD and does not have a CRC assigned to it, except as provided in paragraph (b)(2)(i)(C) of this section.

(E) A bank must assign an 8.0 percent specific risk-weighting factor to a sovereign debt position if the sovereign entity is not a member of the OECD and does not have a CRC assigned to it, except as provided in paragraph (b)(2)(i)(C) of this section.

* * * * *

(iv) *Depository institution, foreign bank, and credit union debt positions.* (A) Except as provided in paragraph (b)(2)(iv)(B) of this section, a bank must assign a specific risk-weighting factor to a debt position that is an exposure to a depository institution, a foreign bank, or a credit union in accordance with table 3, based on the CRC that corresponds to that entity's sovereign of incorporation or the OECD membership status of that entity's sovereign of incorporation if there is no CRC applicable to the entity's sovereign of incorporation, and, as applicable, the remaining contractual maturity of the position.

* * * * *

TABLE 3—SPECIFIC RISK-WEIGHTING FACTORS FOR DEPOSITORY INSTITUTION, FOREIGN BANK, AND CREDIT UNION DEBT POSITIONS

	Specific risk-weighting factor (in percent)	
CRC 0–2 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

* * * * *

(v) *PSE debt positions.* (A) Except as provided in paragraph (b)(2)(v)(B) of this section, a bank must assign a specific risk-weighting factor to a debt position that is an exposure to a PSE in accordance with table 4 and table 5 depending on the position's categorization as a general obligation or revenue obligation, based on the CRC that corresponds to the PSE's sovereign of incorporation or the OECD membership status of the PSE's sovereign of incorporation

if there is no CRC applicable to the PSE's sovereign of incorporation, and, as applicable, the remaining contractual maturity of the position.

(B) A bank may assign a lower specific risk-weighting factor than would otherwise apply under tables 4 and 5 to a debt position that is an exposure to a foreign PSE if:

(*1*) The PSE's sovereign of incorporation allows banks under its jurisdiction to assign a lower specific risk-weighting factor to such position; and

(*2*) The specific risk-weighting factor is not lower than the risk weight that corresponds to the PSE's sovereign of incorporation in accordance with tables 4 and 5.

(C) A bank must assign a 12.0 percent specific risk-weighting factor to a PSE debt position immediately upon determination that a default by the PSE's sovereign of incorporation has occurred or if a default by the PSE's sovereign of incorporation has occurred within the previous five years.

TABLE 4—SPECIFIC RISK-WEIGHTING FACTORS FOR PSE GENERAL OBLIGATION DEBT POSITIONS

	General obligation specific risk-weighting factor (in percent)	
CRC 0–2 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

TABLE 5—SPECIFIC RISK-WEIGHTING FACTORS FOR PSE REVENUE OBLIGATION DEBT POSITIONS

	Revenue obligation specific risk-weighting factor (in percent)	
CRC 0–1 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 2–3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

* * * * *

■ 4. Amend appendix E, section 11, by revising paragraph (b)(2) to read as follows:

Section 11

* * * * *

(b) *SSFA parameters.* * * *

(2) Parameter W is expressed as a decimal value between zero and one. Parameter W is the ratio of the sum of the dollar amounts of any underlying exposures of the securitization that meet any of the criteria as set forth in paragraphs (i) through (vi) of this paragraph (b)(2) to the balance, measured in dollars, of underlying exposures:

(i) Ninety days or more past due;

(ii) Subject to a bankruptcy or insolvency proceeding;

(iii) In the process of foreclosure;

(iv) Held as real estate owned;

(v) Has contractually deferred payments for 90 days or more, other than principal or interest payments deferred on:

(A) Federally-guaranteed student loans, in accordance with the terms of those guarantee programs; or

(B) Consumer loans, including non-federally-guaranteed student loans, provided that such payments are deferred pursuant to provisions included in the contract at the time funds are disbursed that provide for period(s) of deferral that are not initiated based on changes in the creditworthiness of the borrower; or

(vi) Is in default.

* * * * *

■ 5. Amend appendix E, section 12, by
■ (a) Revising paragraph (a);
■ (b) Revising paragraph (c)(1); and
■ (c) Revising paragraph (d) introductory text to read as follows:

Section 12

(a) *Scope.* A bank must comply with this section unless it is a consolidated subsidiary of a bank holding company or a depository institution that is subject to these requirements or of a non-U.S. banking organization that is subject to comparable public disclosure requirements in its home jurisdiction. A bank must make timely disclosures publicly each calendar quarter. If a significant change occurs, such that the most recent reporting amounts are no longer reflective of the bank's capital adequacy and risk profile, then a brief discussion of this change and its likely impact must be provided as soon as practicable thereafter. Qualitative disclosures that typically do not change each quarter may be disclosed annually, provided any significant changes are disclosed in the interim. If a bank believes that disclosure of specific commercial or financial information would prejudice seriously its position by making public certain information that is either proprietary or confidential in nature, the bank is not required to disclose these specific items, but must disclose more general information about the subject matter of the requirement, together with the fact that, and the reason why, the specific items of information have not been disclosed. The bank's management may provide all of the disclosures required by this section in one place on the bank's public Web site or may provide the disclosures in more than one public financial report or other regulatory reports, provided that the bank

publicly provides a summary table specifically indicating the location(s) of all such disclosures.

* * * * *

(c) *Quantitative disclosures.* (1) For each material portfolio of covered positions, the bank must provide timely public disclosures of the following information at least quarterly:

* * * * *

(d) *Qualitative disclosures.* For each material portfolio of covered positions, the bank must provide timely public disclosures of the following information at least annually after the end of the fourth calendar quarter, or more frequently in the event of material changes for each portfolio:

* * * * *

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

■ 6. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331–3351, 3907, and 3909; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

■ 7. Amend appendix E, section 2, by revising paragraphs (3)(v)–(vii) and adding paragraph (3)(viii) in the definition of ''Covered position'' to read as follows:

Appendix E to Part 225—Capital Adequacy Guidelines for Bank Holding Companies: Market Risk

Section 2

* * * * *

(3) * * *

(v) Any equity position that is not publicly traded, other than a derivative that references a publicly traded equity and other than a position in an investment company as defined in and registered with the SEC under the Investment Company Act of 1940 (15 U.S.C. 80 a–1 *et seq.*), provided that all the underlying equities held by the investment company are publicly traded;

(vi) Any equity position that is not publicly traded, other than a derivative that references a publicly traded equity and other than a position in an entity not domiciled in the United States (or a political subdivision thereof) that is supervised and regulated in a manner similar to entities described in paragraph (3)(v) of this definition;

(vii) Any position a bank holds with the intent to securitize; or

(viii) Any direct real estate holding.

* * * * *

■ 8. Amemd appendix E, section 10, by:

■ (a) Revising paragraph (b)(2)(i)(A), Table 2, and paragraphs (b)(2)(i)(B), (C), and (D), and adding paragraph (b)(2)(i)(E);

■ (b) Revising paragraph (b)(2)(iv)(A) and Table 3;

■ (c) Revising paragraph (b)(2)(v), Table 4 and Table 5 to read as follows:

Section 10

* * * * *

(b) *Debt and securitization positions.** * *

(i) *Sovereign Debt Positions.* (A) In accordance with Table 2, a bank must assign a specific risk-weighting factor to a sovereign debt position based on the CRC applicable to the sovereign entity and, as applicable, the remaining contractual maturity of the position, or, if there is no CRC applicable to the sovereign entity, based on whether the sovereign entity is a member of the OECD. Notwithstanding any other provision in this appendix E, sovereign debt positions that are backed by the full faith and credit of the United States are treated as having a CRC of 0.

TABLE 2—SPECIFIC RISK-WEIGHTING FACTORS FOR SOVEREIGN DEBT POSITIONS

	Specific risk-weighting factor (in percent)	
CRC:		
0–1	0.0	
2–3	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
4–6	8.0	
7	12.0	
OECD Member with No CRC	0.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

(B) Notwithstanding paragraph (b)(2)(i)(A) of this section, a bank may assign to a sovereign debt position a specific risk-weighting factor that is lower than the applicable specific risk-weighting factor in table 2 if:

(*1*) The position is denominated in the sovereign entity's currency;

(*2*) The bank has at least an equivalent amount of liabilities in that currency; and

(*3*) The sovereign entity allows banks under its jurisdiction to assign the lower specific risk-weighting factor to the same exposures to the sovereign entity.

(C) A bank must assign a 12.0 percent specific risk-weighting factor to a sovereign debt position immediately upon determination a default has occurred; or if a default has occurred within the previous five years.

(D) A bank must assign a 0.0 percent specific risk-weighting factor to a sovereign debt position if the sovereign entity is a member of the OECD and does not have a CRC assigned to it, except as provided in paragraph (b)(2)(i)(C) of this section.

(E) A bank must assign an 8.0 percent specific risk-weighting factor to a sovereign debt position if the sovereign entity is not a member of the OECD and does not have a CRC assigned to it, except as provided in paragraph (b)(2)(i)(C) of this section.

* * * * *

(iv) *Depository institution, foreign bank, and credit union debt positions.* (A) Except as provided in paragraph (b)(2)(iv)(B) of this section, a bank must assign a specific risk-weighting factor to a debt position that is an exposure to a depository institution, a foreign bank, or a credit union in accordance with table 3, based on the CRC that corresponds to that entity's sovereign of incorporation or the OECD membership status of that entity's sovereign of incorporation if there is no CRC applicable to the entity's sovereign of incorporation, and, as applicable, the remaining contractual maturity of the position.

* * * * *

TABLE 3—SPECIFIC RISK-WEIGHTING FACTORS FOR DEPOSITORY INSTITUTION, FOREIGN BANK, AND CREDIT UNION DEBT POSITIONS

	Specific risk-weighting factor (in percent)	
CRC 0–2 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

* * * * *

(v) *PSE debt positions.* (A) Except as provided in paragraph (b)(2)(v)(B) of this section, a bank must assign a specific risk-weighting factor to a debt position that is an exposure to a PSE in accordance with table 4 and table 5 depending on the position's categorization as a general obligation or revenue obligation, based on the CRC that corresponds to the PSE's sovereign of incorporation or the OECD membership status of the PSE's sovereign of incorporation if there is no CRC applicable to the PSE's sovereign of incorporation, and, as applicable, the remaining contractual maturity of the position.

(B) A bank may assign a lower specific risk-weighting factor than would otherwise apply under tables 4 and 5 to a debt position that is an exposure to a foreign PSE if:

(*1*) The PSE's sovereign of incorporation allows banks under its jurisdiction to assign a lower specific risk-weighting factor to such position; and

(*2*) The specific risk-weighting factor is not lower than the risk weight that corresponds to the PSE's sovereign of incorporation in accordance with tables 4 and 5.

(C) A bank must assign a 12.0 percent specific risk-weighting factor to a PSE debt position immediately upon determination that a default by the PSE's sovereign of incorporation has occurred or if a default by the PSE's sovereign of incorporation has occurred within the previous five years.

TABLE 4—SPECIFIC RISK-WEIGHTING FACTORS FOR PSE GENERAL OBLIGATION DEBT POSITIONS

	General obligation specific risk-weighting factor (in percent)	
CRC 0–2 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

TABLE 5—SPECIFIC RISK-WEIGHTING FACTORS FOR PSE REVENUE OBLIGATION DEBT POSITIONS

	Revenue obligation specific risk-weighting factor (in percent)	
CRC 0–1 or OECD Member with No CRC	Remaining contractual maturity of 6 months or less	0.25
	Remaining contractual maturity of greater than 6 and up to and including 24 months.	1.0
	Remaining contractual maturity exceeds 24 months	1.6
CRC 2–3	8.0	
CRC 4–7	12.0	
Non-OECD Member with No CRC	8.0	
Default by the Sovereign Entity	12.0	

* * * * *

■ 9. Amend appendix E, section 11, by revising paragraph (b)(2) to read as follows:

Section 11

* * * * *

(b) *SSFA parameters.* * * *

(2) Parameter W is expressed as a decimal value between zero and one. Parameter W is the ratio of the sum of the dollar amounts of any underlying exposures of the securitization that meet any of the criteria as set forth in paragraphs (i) through (vi) of this paragraph (b)(2) to the balance, measured in dollars, of underlying exposures:

(i) Ninety days or more past due;

(ii) Subject to a bankruptcy or insolvency proceeding;

(iii) In the process of foreclosure;

(iv) Held as real estate owned;

(v) Has contractually deferred payments for 90 days or more, other than principal or interest payments deferred on:

(A) Federally-guaranteed student loans, in accordance with the terms of those guarantee programs; or

(B) Consumer loans, including non-federally-guaranteed student loans, provided that such payments are deferred pursuant to provisions included in the contract at the time funds are disbursed that provide for period(s) of deferral that are not initiated based on changes in the creditworthiness of the borrower; or

(vi) Is in default.

* * * * *

■ 10. Amend appendix E, section 12, by:

■ (a) Revising paragraph (a);

■ (b) Revising paragraph (c)(1) and;

■ (c) Revising paragraph (d) introductory text to read as follows:

Section 12

(a) *Scope.* A bank must comply with this section unless it is a consolidated subsidiary of a bank holding company or a depository institution that is subject to these requirements or of a non-U.S. banking organization that is subject to comparable public disclosure requirements in its home jurisdiction. A bank must make timely public disclosures each calendar quarter. If a significant change occurs, such that the most recent reporting amounts are no longer reflective of the bank's capital adequacy and risk profile, then a brief discussion of this change and its likely impact must be provided as soon as practicable thereafter. Qualitative disclosures that typically do not change each quarter may be disclosed annually, provided any significant changes are disclosed in the interim. If a bank believes that disclosure of specific commercial or financial information would prejudice seriously its position by making public certain information that is either proprietary or confidential in nature, the bank is not required to disclose these specific items, but must disclose more general information about the subject matter of the requirement, together with the fact that, and the reason why, the specific items of information have not been disclosed. The bank's management may provide all of the disclosures required by this section in one place on the bank's public Web site or may provide the disclosures in more than one public financial report or other regulatory reports, provided that the bank publicly provides a summary table specifically indicating the location(s) of all such disclosures.

* * * * *

(c) *Quantitative disclosures.* (1) For each material portfolio of covered positions, the bank must provide timely public disclosures of the following information at least quarterly:

* * * * *

(d) *Qualitative disclosures.* For each material portfolio of covered positions, the bank must provide timely public disclosures of the following information at least annually after the end of the fourth calendar quarter, or more frequently in the event of material changes for each portfolio:

* * * * *

By order of the Board of Governors of the Federal Reserve System, July 3, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–16434 Filed 7–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0056; Directorate Identifier 2012–NE–48–AD

RIN 2120–AA64

Airworthiness Directives; Hamilton Sundstrand Corporation Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM). The NPRM proposed a new airworthiness directive (AD) that had applied to certain Hamilton Sundstrand Corporation 14SF–7, 14SF–15, and 14SF–23 series propellers. The NPRM had applied to those propellers using certain Hamilton Sundstrand Corporation auxiliary pumps and motors (auxiliary feathering pumps). The proposed action would have required removal of certain serial numbers (S/Ns) of auxiliary feathering pumps from service. Since we issued the NPRM, we attended a meeting sponsored by Hamilton Sundstrand Corporation, which provided additional information regarding the unsafe condition. The information included results from bond strength tests that predicts a significantly lower fleet risk than the prior qualitative analysis. Accordingly, we withdraw the proposed rule.

FOR FURTHER INFORMATION CONTACT: Michael Schwetz, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7761; fax: 781–238–7170; email: *michael.schwetz@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD (78 FR 9001, February 7, 2013). The proposed AD had applied to Hamilton Sundstrand Corporation 14SF–7, 14SF–15, and 14SF–23 series propellers using certain Hamilton Sundstrand Corporation auxiliary feathering pumps. The NPRM proposed to require removing certain S/Ns of auxiliary feathering pumps from service. The proposed action was prompted by a report of a propeller not moving into the feathering position after an engine in-flight shutdown. The unsafe condition had applied to certain Hamilton Sundstrand Corporation 14SF–7, 14SF–15, and 14SF–23 series propellers using certain Hamilton Sundstrand Corporation auxiliary pumps and motors (auxiliary feathering pumps). The proposed actions intended to prevent propellers from failing to move into the feathering position after an engine in-flight shutdown.

Since we issued the NPRM (78 FR 9001, February 7, 2013), additional information became available after the public comment period closed on March 25, 2013.

Upon further consideration, we hereby withdraw the proposed rule for the following reasons:

- Auxiliary feathering pump motors returned to Hamilton Sundstrand Corporation were tested to measure the bonding strength holding the magnets to the motor housing.
- The test results did not substantiate the initial qualitative risk assessment.
- The data gathered was then used for a more representative quantitative risk analysis.
- The results from the bond strength tests predicts a significantly lower fleet risk than the prior qualitative analysis.

Withdrawal of the NPRM (78 FR 9001, February 7, 2013) constitutes only such

action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule. Therefore, Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) do not cover this withdrawal.

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. FAA–2013–0056; Directorate Identifier 2012–NE–48–AD, published in the **Federal Register** on February 7, 2013 (78 FR 9001), is withdrawn.

Issued in Burlington, Massachusetts, on July 15, 2013.

Colleen M. D'Alessandro,

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

[FR Doc. 2013–17479 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0625; Directorate Identifier 2013–NM–013–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to certain The Boeing Company Model 747 series airplanes. The existing AD currently requires repetitive detailed inspections to detect cracking in certain fuselage upper deck tension ties, repair or modification of any cracked tension ties, and repetitive inspections of repaired and modified tension ties and repair or modification if necessary. The existing AD also provides for optional terminating action for the repetitive detailed inspections of tension ties that have not been repaired or modified. This proposed AD was prompted by an evaluation by the design approval holder indicating that the upper deck tension ties of the fuselage are subject to widespread fatigue damage. This proposed AD would retain the repetitive inspections, mandate the previously optional terminating modification, and add, for tension ties that have not been repaired or modified, repetitive inspections that must be done concurrently with the existing repetitive inspections. We are proposing this AD to prevent widespread fatigue damage of certain fuselage upper deck tension ties, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by September 5, 2013.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Ave. SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: (425) 917–6428; fax: (425) 917–6590; email: *nathan.p.weigand@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0625; Directorate Identifier 2013–NM–013–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On June 14, 1994, we issued AD 94–13–06, Amendment 39–8946 (59 FR 32879, June 27, 1994), for certain Boeing Model 747 series airplanes. That AD requires inspections to detect cracking in certain fuselage upper deck tension ties, and repair or modification of any cracked tension ties. That AD resulted from reports of fatigue cracking in tension ties. We issued that AD to prevent failure of two or more tension ties and the resultant rapid decompression of the airplane.

Actions Since Existing AD (59 FR 32879, June 27, 1994) Was Issued

AD 94–13–06, Amendment 39–8946 (59 FR 32879, June 27, 1994), provides a terminating modification as an option. We have determined that it is necessary to mandate this modification to adequately address the identified unsafe condition.

We can better ensure long-term continued operational safety by design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not provide the degree of safety necessary for the transport airplane fleet. This determination, along with a better understanding of the human factors associated with numerous continual inspections, has led us to consider placing less emphasis on inspections and more emphasis on

design improvements. The proposed modification requirement is consistent with these conditions.

WFD Program

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as widespread fatigue damage (WFD). As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that design approval holders (DAHs) establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2013–0625.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

Although this proposed AD does not explicitly restate the requirements of AD 94–13–06, Amendment 39–8946 (59 FR 32879, June 27, 1994), this proposed AD would retain all of the requirements of AD 94–13–06. Those requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraphs (g) and (i) of this proposed AD. Paragraph (h) of this proposed AD would mandate the previously optional terminating modification for the inspections of tension ties that have not been repaired or modified. Paragraph (g) of this proposed AD would also add, for tension ties that have not been repaired or modified, repetitive high frequency eddy current inspections to be done concurrently with the existing detailed inspections specified in for tensions ties that have not been repaired or modified. This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between the Proposed AD and the Service Information.''

In addition, the phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between the Proposed AD and the Service Information

Table 3 in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012, specifies repeating the detailed inspection for cracks in the tension ties; however, that inspection is incorrect. This section of the service information should specify a high frequency eddy current inspection (HFEC) inspection, as specified in the other related sections. Therefore, the inspection required by this proposed AD is an HFEC inspection, performed in accordance with Part 4 and Figure 8 of this service bulletin. This service information is being revised to specify the correct inspection type. This difference has been coordinated with Boeing.

The service bulletin specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Explanation of Compliance Time

The compliance time for the modification specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is modified before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Clarification of Applicability

We have revised the applicability of existing AD 94–13–06, amendment 39–8946 (59 FR 32879, June 27, 1994), to identify model designations as published in the most recent type certificate data sheet for the affected models.

Costs of Compliance

We estimate that this proposed AD affects 113 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Detailed inspections [retained action from existing AD 94–13–06, amendment 39–8946 (59 FR 32879, June 27, 1994)].	5 work-hours × $85 per hour = $425.	$0	$425 per inspection cycle	$48,025 per inspection cycle.
Post-mod/repair inspections ...	1 work-hour × $85 per hour = $85.	0	$85	$9,605.
Modification [new proposed action].	Up to 112 work-hours × $85 per hour = up to $9,520.	0	Up to $9,520	Up to $1,075,760.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

We have determined that this 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 that the proposed regulation:

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 94–13–06, Amendment 39–8946 (59 FR 32879, June 27, 1994), and adding the following new AD:

The Boeing Company: Docket No. FAA–2013–0625; Directorate Identifier 2013–NM–013–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by September 5, 2013.

(b) Affected ADs

This AD supersedes AD 94–13–06, Amendment 39–8946 (59 FR 32879, June 27, 1994).

(c) Applicability

This AD applies to The Boeing Company Model 747–100, 747–200B, and 747–200F series airplanes, certificated in any category, as listed in Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating that the upper deck tension ties of the fuselage are subject to widespread fatigue damage. We are issuing this AD to prevent widespread fatigue damage of certain fuselage upper deck tension ties, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Inspections and Repair/Modification

Except as required by paragraph (k)(3) of this AD, at the applicable time specified in Tables 1 and 3 of paragraph 1.E., ''Compliance'' of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012: Do detailed and surface high frequency eddy current (HFEC) inspections for cracks in the tension ties, as applicable, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012, except as required by paragraph (k)(2) of this AD. The effective date of AD 94–13–06, Amendment 39–8946 (59 FR 32879, June 27, 1994) is July 27, 1994. Do all applicable corrective actions before further flight. Repeat the detailed and HFEC inspection thereafter at the time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012, except as specified in paragraph (k)(1) of this AD. Repair of a tension tie, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012, except as required by paragraph (k)(2) of this AD, terminates the requirements of this paragraph for that tension tie only.

(h) Modification

Except as provided by paragraph (k)(3) of this AD, at the applicable time specified in Table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012: Modify the tension ties, including doing an open-hole HFEC inspection for cracks before enlarging the hole, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012. Modification of the tension ties terminates the requirements of paragraph (g) of this AD. If any cracking is found, before further flight, do the repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(i) Post-Repair/Modification Inspections

At the applicable time specified in Table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012: Do a detailed inspection of all repaired and modified tension ties, and do all applicable corrective actions, except as required by paragraph (k)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012, except as required by paragraph (k)(2) of this AD. Repeat the inspection thereafter at the times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012. Do all applicable corrective actions before further flight.

(j) Credit for Previous Actions

This paragraph provides credit for the modification required by paragraphs (g) and (h) of this AD if that modification was done before the effective date of this AD using Boeing Service Bulletin 747–53–2371, dated July 29, 1993; or Boeing Alert Service Bulletin 747–53A2371, Revision 1, dated April 27, 1995; which are not incorporated by reference in this AD.

(k) Exception to Service Information

(1) Where Row 2 of Table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012, specifies repeating a ''detailed'' inspection, ''as given in Part 4'' of this service information, the repetitive inspections required by this AD are ''HFEC'' inspections, done in accordance with Part 4 and Figure 8 of Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012.

(2) Where Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012, specifies contacting Boeing for repair instructions, or does not include repair instructions for a crack found in an area other than the aft tension tie area: Before further flight, do the repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(3) Where Boeing Alert Service Bulletin 747–53A2371, Revision 2, dated December 11, 2012 specifies a compliance time of ''after the Revision 2 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes ODA that has been authorized by the Manager, Seattle ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 94–13–06, Amendment 39–8946 (59 FR 32879, June 27, 1994), are approved as AMOCs for the corresponding actions required by paragraphs (g), (h), and (i) of this AD.

(m) Related Information

(1) For more information about this AD, contact Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: (425) 917–6428; fax: (425) 917–6590; email: *nathan.p.weigand@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 12, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–17412 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R07–RCRA–2013–0447; FRL–9833–6]

State of Kansas; Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Kansas has applied to EPA for final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Kansas.

DATES: Comments on this proposed action must be received in writing by August 21, 2013.

ADDRESSES: Submit your comments by one of the following methods:

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

2. *Email: haugen.lisa@epa.gov.*

3. *Mail:* Lisa Haugen, Environmental Protection Agency, Region 7, Enforcement Coordination Office, 11201 Renner Boulevard, Lenexa, Kansas 66219.

4. *Hand Delivery or Courier:* Deliver your comments to Lisa Haugen, Environmental Protection Agency, Region 7, Enforcement Coordination Office, 11201 Renner Boulevard, Lenexa, Kansas 66219. Such deliveries are only accepted during the Regional Office's normal hours of operation of Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding legal holidays.

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

FOR FURTHER INFORMATION CONTACT: Lisa Haugen, Region 7, Enforcement Coordination Office, 11201 Renner Boulevard, Lenexa, Kansas 66219, Phone number: (913) 551–7877, or email address: *haugen.lisa@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of the **Federal Register**, EPA is authorizing the changes by an immediate final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the immediate final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the immediate final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the immediate final rule which is located in the rules section of this **Federal Register**.

Dated: June 27, 2013.

Mark Hague,

Acting Regional Administrator, Region 7.

[FR Doc. 2013–17038 Filed 7–19–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

Office of Hearings and Appeals

30 CFR Part 1290

43 CFR Part 4

[Docket No. ONRR–2011–0017; DS63610300 DR2PS0000.CH7000 134D0102R2]

RIN 1012–AA08

Clarification of Appeal Procedures

AGENCY: Office of Natural Resources Revenue and Office of Hearings and Appeals, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Natural Resources Revenue (ONRR) and Office of Hearing and Appeals (OHA) are proposing to amend and clarify regulations concerning certain aspects of appeals of ONRR correspondence and to clarify the final administrative nature of ONRR orders that are not paid or appealed.

DATES: Comments must be submitted on or before September 20, 2013.

ADDRESSES: You may submit comments to ONRR by any of the following methods (please reference ''1012–AA08'' in your comments):

- Electronically go to *www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2011–0017,'' and then click ''Search.'' Follow the instructions to submit public comments. ONRR will post all comments.
- Mail comments to Armand Southall, Regulatory Specialist, ONRR, P.O. Box 25165, MS 64000A, Denver, Colorado 80225–0165.
- Hand-carry comments, or use an overnight courier service, to the Office of Natural Resources Revenue, Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Sarah Inderbitzin, Office of Enforcement (OE), ONRR, telephone (303) 231–3748, or email *sarah.inderbitzin@onrr.gov.* For other questions, contact Armand Southall, Regulatory Specialist, ONRR, telephone (303) 231–3221, or email *armand.southall@onrr.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The ONRR is proposing to amend its appeal regulations. On May 13, 1999, the Department of the Interior (Department) published in the **Federal Register** (64 FR 26240) a final rule governing the appeal of the former Minerals Management Service's (MMS) Minerals Revenue Management (MRM) orders. In this proposed rule, ONRR is clarifying the appeal regulations by removing ambiguity regarding the ONRR definition of an *Order,* the timing of appeals of orders to perform restructured accounting, and the finality of orders that have not been paid or appealed.

II. Reorganization of Title 30 CFR

On May 19, 2010, the Secretary of the Department of the Interior (Secretary) separated the responsibilities previously performed by the former MMS and reassigned those responsibilities to three separate organizations. As part of this reorganization, the Secretary renamed MMS's MRM the Office of Natural Resources Revenue and directed that ONRR transition from the Office of the Assistant Secretary for Land and Minerals Management to the Office of the Assistant Secretary for Policy, Management and Budget (PMB). This change required the reorganization of title 30, *Code of Federal Regulations* (30 CFR). In response, ONRR published a direct final rule on October 4, 2010 (75 FR 61051), to establish a new chapter XII in 30 CFR; to remove certain regulations from chapter II; and to recodify these regulations in the new chapter XII. Therefore, all references to ONRR in this proposed rule include its predecessor MRM, and all references to 30 CFR part 1290 in this proposed rule include former 30 CFR part 290, subpart B.

III. Explanation of Proposed Amendments

This rule would make technical clarifications to 30 CFR part 1290 and 43 CFR part 4, subpart J. Title 30 CFR part 1290 pertains to appeals of ONRR orders to report or pay royalties and other payments due under leases subject to part 1290. Title 43 CFR part 4, subpart J, contains OHA's special rules applicable to appeals concerning Federal oil and gas royalties and other related matters. This rule also would make technical corrections to position titles, agency names, acronyms, and cross references within the regulations and would delete regulatory provisions no longer needed.

Specifically, the rule proposes to amend existing appeal regulations in titles 30 and 43 to clarify which ONRR correspondence are appealable orders. This proposed amendment would apply to orders involving all Federal and Indian mineral leases. The ONRR has received appeals filed in response to ''Dear Payor,'' ''Dear Operator,'' and ''Dear Reporter'' letters. These letters contain policy and guidance that do not contain mandatory or ordering language, and, thus, are not ONRR orders. Therefore, those letters are not appealable. The Interior Board of Land Appeals (IBLA) addressed this issue in *Devon Energy,* 171 IBLA 43 (2007). In *Devon,* the IBLA held that, under ONRR's appeal regulations, ''Dear Payor/Operator/Reporter'' letters sent to all lessees are not appealable orders under 30 CFR part 1290. Therefore, the proposed amendment to the regulations in titles 30 and 43 would specify that ''Dear Payor/Operator/Reporter'' letters and any ONRR instructions or guidance do not constitute appealable orders. This proposed rule would eliminate confusion for the recipients of the ONRR letters and reduce the number of ineligible appeals.

Likewise, the IBLA has held that correspondence from ONRR that does not contain a notice of the right to appeal is not an appealable order under 30 CFR part 1290. *Xanadu Exploration Company,* 157 IBLA 183, 186 (2002). Therefore, the proposed amendments to the regulations also would specify that any ONRR correspondence that does not contain the right to appeal in writing does not constitute an appealable order consistent with the *Xanadu* decision. This amendment also would eliminate confusion for the recipients of ''Dear Payor/Operator/Reporter'' letters that do not contain an explicit right to appeal.

In addition, the rule proposes to update 30 CFR part 1290 to reflect the 60-day period within which a party may appeal an order to perform a restructured accounting involving only Federal oil and gas leases under the Royalty Simplification and Fairness Act of 1996 (RSFA), codified at 30 U.S.C. 1724(d)(4)(B)(ii)(V).

Generally, under the proposed rule, you would appeal an Order to Perform a Restructured Accounting to the ONRR Director. This would include requiring you to appeal an Order to Perform a Restructured Accounting that a delegated State issues to the ONRR Director under proposed § 1290.105(a)(1)(ii). This would give the ONRR Director an opportunity to review such orders and issue a decision before it proceeds to the IBLA.

RSFA, 30 U.S.C. 1724(d)(4)(B)(ii), states that, for Federal oil and gas leases, the Secretary may not delegate his/her authority to issue an Order to Perform a Restructured Accounting below the most senior career professional position responsible for the royalty management program. This person currently is the Director of ONRR. As a result, an Order to Perform a Restructured Accounting that the ONRR Director signs would be the final decision of the ONRR Director. Therefore, under § 1290.105(a)(2) of the proposed rule, you would appeal such Orders to Perform a Restructured Accounting to the Interior Board of Land Appeals under § 1290.108, not to the ONRR Director.

ONRR also proposes to amend § 1290.108 to add a new paragraph (b) that would state: ''Notwithstanding 43 CFR 4.414(a), a party shall file an answer or appropriate motion within 60 days after service of the statement of reasons for appeal unless an extension of time is requested and granted.'' Currently, 43 CFR 4.414(a) requires ONRR to file an answer within 30 days of receiving a statement of reasons. ONRR may request and obtain an automatic 30-day extension of time under 30 CFR 4.405(f). Experience has proven that the 60 days currently provided is usually inadequate to allow ONRR to assemble the administrative record in royalty appeals. Therefore, ONRR proposes to allow ONRR 60 days within which to file an answer, coupled with retaining its right to an automatic 30-day extension if necessary, to give it adequate time to prepare the record and answer. Under this proposal, ONRR would make the language in existing § 1290.108 a new paragraph (a) of this section and the proposed new language would be paragraph (b).

Finally, the rule proposes to add a new § 1290.111 that would apply to orders involving any Federal and Indian mineral leases. This amendment would supersede the IBLA decision in *Merit Energy Co.* v. *Minerals Management Service,* 172 IBLA 137 (2007), *aff'd, Jicarilla Apache Nation* v. *Dept. of the Interior,* No. 10–2052 (JDB), 2012 U.S. Dist. LEXIS 137421 (D.D.C. Sept. 26, 2012). In *Merit,* when Merit did not pay or appeal an ONRR order to pay royalty, ONRR issued a notice of noncompliance under section 109(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1719, to enforce the order. Merit then requested a hearing on the record on the notice of noncompliance under FOGRMA section 109(e), 30 U.S.C. 1719(e), and the former 30 CFR part 241 (now part 1241) before the Hearings Division of the Office of Hearings and Appeals (OHA). However, Merit challenged not only the amount of the potential penalty, but also the merits of the underlying order that it failed to appeal under then 30 CFR part 290, subpart B (now part 1290). The Hearings Division administrative law judge (ALJ) held that Merit could not challenge the merits of the order in a former part 241 hearing because it had failed to appeal the order under former 30 CFR part 290, subpart B.

Merit then appealed the ALJ's decision to the IBLA. The IBLA disagreed with the ALJ and held that the hearing on the notice of noncompliance could address the merits of the order because Merit was entitled to challenge its ''underlying liability'' for penalties under former part 241. 172 IBLA at 149–51. We believe that giving appellants who do not appeal orders under current 30 CFR part 1290 another avenue of appeal when the agency seeks to enforce an order that was not appealed nullifies the intent of part 1290. It also undermines the requirement to exhaust administrative remedies by relieving a party of the consequences of failing to do so with respect to the initial order. Therefore, this proposed rule would make clear that, if you receive an ONRR order and you neither pay nor appeal that order under 30 CFR part 1290, the order is the final decision of the Department and you may not contest the merits of that order in any subsequent proceeding seeking to enforce the order under 30 CFR part 1241.

IV. Procedural Matters

1. Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

2. Regulatory Flexibility Act

The Department certifies that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule would affect lessees under Federal and Indian mineral leases and other recipients of ONRR orders or other official correspondence. Lessees of Federal and Indian mineral leases are generally companies classified under the North American Industry Classification System (NAICS) Code 211111, which includes companies that extract crude petroleum and natural gas. For this NAICS code classification, a small company is one with fewer than 500 employees. Because this rule applies to all mineral leases, even though the NAICS classification only applies to oil and gas leases, we are using the same classification system for all mineral leases. The Department believes that a meaningful number of businesses affected by this rule would be small businesses.

This rule would have no economic effect on small businesses. Businesses would not lose any opportunity to appeal any orders which may have an economic effect. This rule only would serve to clarify the proper forum for certain appeals, conform with other regulations, and codify previously enacted Federal law. A Regulatory Flexibility Analysis would not be required. Accordingly, a Small Entity Compliance Guide would not be required.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards receive comments from small businesses about Federal agency enforcement actions. The Ombudsman annually evaluates the enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the actions of ONRR, call 1–888–734–3247. You may comment to the Small Business Administration without fear of retaliation. Allegations of discrimination/retaliation filed with the Small Business Administration would be investigated for appropriate action.

3. Small Business Regulatory Enforcement Fairness Act

This rule would not be a major rule under 5 U.S.C. 804(2) of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*). This rule:

(a) Would not have an annual effect on the economy of $100 million or more.

(b) Would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

4. Unfunded Mandates Reform Act

This rule would not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. The rule would not have a significant or unique effect on State, local, or tribal governments, or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) would not be required.

5. Takings (E.O. 12630)

Under the criteria in section 2 of E.O. 12630, this rule would not have any significant takings implications. This rule would not be a governmental action capable of interference with constitutionally protected property rights. A Takings Implication Assessment would not be required.

6. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule would not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This rule would not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in Outer Continental Shelf (OCS) activities, this rule would not affect that role. A Federalism summary impact statement would not be required.

7. Civil Justice Reform (E.O. 12988)

This rule would comply with the requirements of E.O. 12988. Specifically, this rule:

a. Would meet the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

b. Would meet the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

8. Consultation With Indian Tribes (E.O. 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. Under the Department's consultation policy and the criteria in E.O. 13175, we evaluated this rule and determined that it would have no substantial direct effects on federally recognized Indian Tribes. Indian Tribes would be unaffected by clarifications to this appeals rule because the changes would affect the procedures for appeal by lessees, but not the rights of lessors, such as individual Indian mineral owners and Tribes.

9. Paperwork Reduction Act

This rule would not contain information collection requirements, and a submission to OMB would not be required under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

10. National Environmental Policy Act

This rule would not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) would not be required because this rule is categorically excluded under: ''(i) Policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature.'' See 43 CFR 46.210(i) and the DOI Departmental Manual, part 516, section 15.4.D. We have also determined that this rule would not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA. The procedural changes resulting from these amendments have no consequences with respect to the physical environment. No activity bearing on natural resource exploration, production, or transportation would be altered in any material way.

11. Effects on the Energy Supply (E.O. 13211)

This rule would not be a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects would not be required.

12. Clarity of This Regulation

We are required by E.O. 12866 (section 1(b)(12)), E.O. 12988 (section 3(b)(1)(B)), E.O. 13563 (section 1(a)), and the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must: (a) Be logically organized; (b) use the active voice to address readers directly; (c) use common, everyday words, and clear language rather than jargon; (d) be divided into short sections and sentences; and (e) use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To help revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, and the sections where you feel lists or tables would be useful, etc.

13. Public Availability of Comments

We will post all comments, including names and addresses of respondents, at *www.regulations.gov.* Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

List of Subjects

30 CFR Part 1290

Administrative practice and procedure.

43 CFR Part 4

Administrative practice and procedure, Civil rights, Claim, Equal access to justice, Estates, Government contracts, Grazing lands, Indians, Lawyers, Mines, Penalties, Public lands, Surface mining, Whistleblowing.

Dated: June 11, 2013.

Amy Holley,

Acting Assistant Secretary for Policy, Management and Budget.

For the reasons discussed in the preamble, the Assistant Secretary for Policy, Management and Budget proposes to amend 30 CFR part 1290 and 43 CFR part 4, subpart J as follows:

TITLE 30—MINERAL RESOURCES

CHAPTER XII—OFFICE OF NATURAL RESOURCES REVENUE, DEPARTMENT OF THE INTERIOR

Subchapter B—Appeals

PART 1290—APPEAL PROCEDURES

■ 1. The authority citation for part 1290 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.;* 43 U.S.C. 1331.

■ 2. Amend the definition of *Order* in § 1290.102 by revising the introductory paragraph and paragraphs (1)(i), (1)(ii), 2(iii), and 2(iv) and adding paragraphs (2)(v) and 2(vi) to read as follows:

§ 1290.102 What definitions apply to this part?

* * * * *

Order, for purposes of this part only, means any document issued by the ONRR Director or a delegated State that contains mandatory or ordering language that requires the recipient to do any of the following for any lease subject to this part: Report, compute, or pay royalties or other obligations, report production, or provide other information.

(1) * * *

(i) An order to pay (Order to Pay) or to compute and pay (Order to Perform a Restructured Accounting); and

(ii) An ONRR or delegated State decision to deny a lessee's, designee's, or payor's written request that asserts an obligation due the lessee, designee, or payor (Denial).

(2) * * *

* * * * *

(iii) An order to pay that ONRR issues to a refiner or other person involved in disposition of royalty taken in kind;

(iv) A Notice of Noncompliance or a Notice of Civil Penalty issued under 30 U.S.C. 1719 and 30 CFR part 1241, or a decision of an administrative law judge or of the IBLA following a hearing on the record on a Notice of Noncompliance or Notice of Civil Penalty;

(v) A ''Dear Payor,'' ''Dear Operator,'' or ''Dear Reporter'' letter unless it explicitly includes the right to appeal in writing; or

(vi) Any correspondence that does not include the right to appeal in writing.

* * * * *

■ 3. Amend § 1290.105 by revising paragraph (a) to read as follows:

§ 1290.105 How do I appeal an order?

(a)(1) You may appeal to the Director, Office of Natural Resources Revenue (ONRR Director), by filing a Notice of Appeal in the office of the official issuing the Order:

(i) Within 30 days from service of an Order to Pay or a Denial involving Federal or Indian mineral leases, or an Order to Perform a Restructured Accounting involving Federal solid mineral or geothermal leases; or

(ii) Within 60 days from service of an Order to Perform a Restructured Accounting involving Federal oil and gas leases if a delegated State issued the Order to Perform a Restructured Accounting.

(2) If the ONRR Director, or other most senior career professional responsible for the ONRR royalty management program, issued the Order to Perform a Restructured Accounting for a Federal oil and gas lease, then you may appeal that order to the IBLA within 60 days under § 1290.108.

(3) For appeals to the ONRR Director under paragraph (1), within the same 30-day or 60-day period, whichever is applicable, you must file in the office of the official issuing the Order to Pay, Order to Perform a Restructured Accounting, or Denial, a statement of reasons, or written arguments, or brief that includes the arguments on the facts or law that you believe justify reversal or modification of the Order to Pay, Order to Perform a Restructured Accounting, or Denial.

(4) If you are a designee, when you file your Notice of Appeal, you must concurrently serve your Notice of Appeal on the lessees for the leases in the Order to Pay, Order to Perform a Restructured Accounting, or Denial you appealed.

* * * * *

■ 4. Revise § 1290.108 to read as follows:

§ 1290.108 How do I appeal to the IBLA?

(a) Any party to a case adversely affected by a final decision of the ONRR Director or the Director, Bureau of Indian Affairs under this part shall have a right of appeal to the IBLA under the procedures provided in 43 CFR part 4, subpart E.

(b) Notwithstanding 43 CFR 4.414(a), a party shall file an answer or appropriate motion within 60 days after service of the statement of reasons for appeal unless an extension of time is requested and granted.

■ 5. Amend § 1290.110 by revising paragraph (b)(2) to read as follows:

§ 1290.110 How do I exhaust administrative remedies?

* * * * *

(b) * * *

(1) * * *

(2) The Assistant Secretary for Policy, Management and Budget.

* * * * *

■ 6. Add new § 1290.111 to read as follows:

§ 1290.111 What happens if I do not pay or appeal an order?

If you neither pay nor appeal an order under this part, that order is the final decision of the Department, you have failed to exhaust administrative remedies as required under § 1290.110(a), and you may not contest the validity or merits of that order in any subsequent proceeding to enforce that order under 30 U.S.C. 1719 and part 1241 of this chapter.

TITLE 43—PUBLIC LANDS: INTERIOR

SUBTITLE A—Office of the Secretary of the Interior

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart J—Special Rules Applicable to Appeals Concerning Federal Oil and Gas Royalties and Related Matters

■ 7. The authority citation for subpart J continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396 *et seq.,* 396a *et seq.,* 2101 *et seq.*; 30 U.S.C. 181 *et seq.,* 351 *et seq.,* 1001 *et seq.,* 1701 *et seq.*; 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.,* 1331 *et seq.,* and 1801 *et seq.*

■ 8. Amend the sections in part 4 indicated in the left column of the following table by removing the text in the center column and adding in its place the text in the right column.

§§ 4.902, 4.903, 4.906, 4.907, and 4.908 [Amended]

AMENDMENT TABLE FOR PART 4

Amend	By removing the reference to:	And adding in its place:
§ 4.902(a)	30 CFR part 290 in effect prior to May 13, 1999 and contained in the 30 CFR, parts 200 to 699, edition revised as of July 1, 1998, 30 CFR part 290 subpart B	30 CFR part 1290.
§ 4.902(a)	Minerals Management Service (MMS)	Office of Natural Resources (ONRR).
§ 4.903, definition of *Delegated State*	MMS	ONRR.
§ 4.903, definition of *Delegated State*	30 CFR part 227	30 CFR part 1227.
§ 4.903, definition of *Designee*	30 CFR 218.52	30 CFR 1218.52.
§ 4.903, definition of *Monetary obligation*	MMS	ONRR.
§ 4.903, definition of *Notice of Order* (two times)	MMS	ONRR.
§ 4.903, definition of *Party*	MMS	ONRR.
§ 4.903, definition of *Party* (two times)	30 CFR part 290 subpart B	30 CFR part 1290.
§ 4.906(b)(1)	MMS	ONRR.
§ 4.906(b)(2)	MMS	ONRR.
§ 4.906(d) (three times)	MMS	ONRR.
§ 4.907 (table of content and section heading)	MMS	ONRR.
§ 4.907(a) (two times)	MMS	ONRR.
§ 4.907(b)	MMS	ONRR.
§ 4.907(c)	MMS	ONRR's.
§ 4.908(a)	MMS's	ONRR.
§ 4.908(b)	MMS	ONRR.
§ 4.908(c)	MMS	ONRR.

■ 9. Amend the definitions of *Order* and *Payor* in § 4.903 to read as follows:

§ 4.903 What definitions apply to this subpart?

* * * * *

Order means any document or portion of a document issued by the ONRR Director or a delegated State that contains mandatory or ordering language regarding any monetary or nonmonetary obligation under any Federal oil and gas lease or leases.

(1) Order includes:

(i) An order to pay (Order to Pay) or to compute and pay (Order to Perform a Restructured Accounting); and

(ii) An ONRR or delegated State decision to deny a lessee's, designee's, or payor's written request that asserts an obligation due the lessee, designee, or payor.

(2) Order does not include:

(i) A non-binding request, information, or guidance, such as:

(A) Advice or guidance on how to report or pay, including valuation determination, unless it contains mandatory or ordering language; and

(B) A policy determination;

(ii) A subpoena;

(iii) An order to pay that ONRR issues to a refiner or other person involved in disposition of royalty taken in kind; or

(iv) A Notice of Noncompliance or a Notice of Civil Penalty issued under 30 U.S.C. 1719 and 30 CFR 1241, or a decision of an administrative law judge or of the IBLA following a hearing on the record on a Notice of Noncompliance or Notice of Civil Penalty.

(v) A ''Dear Payor,'' ''Dear Operator,'' or ''Dear Reporter'' letter unless it explicitly includes the right to appeal in writing; or

(vi) Any correspondence that does not include the right to appeal in writing.

* * * * *

Payor means any person responsible for reporting and paying royalties for Federal oil and gas leases.

■ 10. Revise § 4.904 to read as follows:

§ 4.904 When does my appeal commence and end?

For purposes of the period in which the Department must issue a final decision in your appeal under § 4.906:

(a) Your appeal commences on the date ONRR receives your Notice of Appeal.

(b) Your appeal ends on the same day of the 33rd calendar month after your appeal commenced under paragraph (a) of this section, plus the number of days of any applicable time extensions under § 4.909 or 30 CFR 1290.109. If the 33rd calendar month after your appeal commenced does not have the same day of the month as the day of the month your appeal commenced, then the initial 33-month period ends on the last day of the 33rd calendar month.

■ 11. Amend § 4.906 by revising paragraph (b)(3) to read as follows:

§ 4.906 What if the Department does not issue a decision by the date my appeal ends?

* * * * *

(b) * * *

(3) If the ONRR Director issues a decision in your appeal, and if you do not appeal the Director's decision to IBLA within the time required under 30 CFR part 1290, then the ONRR Director's decision is the final decision of the Department and 30 U.S.C. 1724(h)(2) has no application.

* * * * *

[FR Doc. 2013–17535 Filed 7–19–13; 8:45 am]

BILLING CODE 4310–T2–P

Notices

Federal Register

Vol. 78, No. 140

Monday, July 22, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 16, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 21, 2013 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725–17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: USDA Minority Farm Register.

OMB Control Number: 0560–0231.

Summary of Collection: This information collection is necessary to create a client list for the Farm Service Agency (FSA) and the Department of Agriculture (USDA) program outreach. The collected information is a tool to promote equal access to USDA Farm programs and services for minority farmers and ranchers with agricultural interests. The Register will provide a name and address file of those interested in outreach efforts. The authority for the collection of this information can be found at 7 U.S.C. 2279.

Need and Use of the Information: FSA will collect the name, address, phone number, farm location, race, ethnicity and gender from the Minority Farm Register permission form, AD–2035. FSA manage the register and the Office of Outreach releases names, addresses and phone numbers of individuals to approved outreach organizations requesting lists of individuals with particular racial and ethnic characteristics with their authorizations.

Description of Respondents: Individuals or households.

Number of Respondents: 5,000.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 4,667.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–17426 Filed 7–19–13; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 16, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Education and Administrative Reporting System (EARS).

OMB Control Number: 0584–0542.

Summary of Collection: The Food and Nutrition Service (FNS) has developed Education and Administrative reporting System (EARS) for the nutrition education (SNAP–ED) component of the Supplemental Nutrition Assistance Program (SNAP), which is provided for in section 11(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(f)(3)(B)(ii)). EARS will provide uniform data and information about the nutrition education activities of all participating States across the country. The data and information collected through EARS will inform management decisions, support policy initiatives,

provide documentation for legislative, budget and other requests, and support planning within the agency. Data will be submitted electronically by all state SNAP agencies annually.

Need and Use of the Information: EARS will allow for the collection of uniform data on program activities, making it possible to describe who is reached, what they are taught and how resources are used in SNAP-Ed. Data collected under this system include demographic characteristics of participants receiving nutrition education benefits, topics covered by the educational intervention, education delivery sites, education strategies, and resource allocation.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 52.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 2,808.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–17425 Filed 7–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 16, 2013.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725—17th Street NW., Washington, DC, 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by August 21, 2013. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Export Fruit Regulations.

OMB Control Number: 0581–0143.

Summary of Collection: Fresh apples and grapes grown in the United States shipped to any foreign destination must meet minimum quality and other requirements established by regulations issued under the Export Apple Act (7 CFR Part 33) and the Export Grape and Plum Act (7 CFR Part 35). These Acts were designed to promote the foreign trade of the United States in apples and grapes; to protect the reputation of these American-grown commodities; and to prevent deception or misrepresentation of the quality of such products moving in foreign commerce. Plum provisions in the marketing order were terminated in 1991. The regulation issued under the Export Grape and Plum Act (7 CFR Part 35) cover fresh grapes grown in the United States and shipped to foreign destinations, except Canada and Mexico. Apples exported to Canada and Mexico are required to first be inspected for minimum grade requirements.

Need and Use of the Information: Persons who ship fresh apples and grapes grown in the U.S. to foreign destinations must have such shipment inspected and certified by Federal or Federal-State Inspection Service (FSIS) inspectors. Agriculture Marketing Service administers the FSIS. Official FSIS inspection certificates and phytosanitary certificates issued by USDA's Animal and Plant Health Inspection Service provide the needed information for USDA. Export carriers are required to keep on file for three years copies of inspection certificates for apples and grapes.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 102.

Frequency of Responses: Recordkeeping; Reporting; On occasion, Monthly, Annually.

Total Burden Hours: 25.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–17423 Filed 7–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Correction for the Omaha, NE; Marshall, MI; Frankfort, IN; Topeka, KS; and Minot, ND Areas; and Headquarters Telephone Number for Keokuk, IA

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and correction.

SUMMARY: The U.S. Department of Agriculture, Grain Inspection, Packers and Stockyards Administration (GIPSA), published Notices in the **Federal Register** on February 9, 2012; May 30, 2012; and September 13, 2012 announcing the opportunity for designation for the Omaha, NE; Marshall, MI; Frankfort, IN; Topeka, KS; and Minot, ND Areas. The Notices incorrectly omitted grain elevators assigned inside and/or outside of the geographical areas. GIPSA also published a Notice in the **Federal Register** on February 26, 2013, which contained an incorrect telephone number for Keokuk Grain Inspection Service (Keokuk).

ADDRESSES: Eric J. Jabs, Chief, USDA, GIPSA, FGIS, QACD, QADB, 10383 North Ambassador Drive, Kansas City, MO 64153

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

SUPPLEMENTARY INFORMATION: The **Federal Register** Notice published on February 9, 2012 for designation in the Topeka, KS and Minot, ND areas; the **Federal Register** Notice published on May 30, 2012 for designation in the Frankfort, IN area; and the **Federal Register** Notice published on September 13, 2012 for designation in the Omaha, NE and Marshall, MI areas incorrectly omitted grain elevators assigned inside and/or outside of the geographical areas. In addition, the **Federal Register** Notice published on February 26, 2013

contained an incorrect telephone number for Keokuk.

Correction: In the **Federal Register** Notice published on February 9, 2012 in FR Doc. 2012–6781, in the second column, the ''Areas Open for Designation'' ''Kansas'' paragraph is hereby corrected to include:

The following grain elevators are not part of this geographic area assignment and are assigned to: Hastings Grain Inspection, Inc.: Farmers Coop and Big Springs Elevator, both in Big Springs, Deuel County, Nebraska.

Correction: In the **Federal Register** Notice published on February 9, 2012 in FR Doc. 2012–6781, in the third column, the ''Areas Open for Designation'' ''Minot'' paragraph is hereby corrected to include:

The following grain elevators are part of this geographic area assignment: In Grain Inspection, Inc.'s, area: Benson Quinn Company, Underwood, and Falkirk Farmers Elevator, Washburn, both in McLean County, North Dakota.

Correction: In the **Federal Register** Notice published on May 30, 2012 in FR Doc. 2012–31830, in the third column, the ''Areas Open for Designation'' ''Frankfort'' paragraph is hereby corrected to include:

The following grain elevators are not part of this geographic area assignment and are assigned to: Titus Grain Inspection, Inc.: The Andersons, Delphi, Carroll County; Frick Services, Inc., Leiters Ford, Fulton County; and Cargill, Inc., Linden, Montgomery County, Indiana.

Correction: In the **Federal Register** Notice published on September 13, 2012 in FR Doc. 2012–56610, in the second column, the ''Areas Open for Designation'' ''Omaha'' paragraph is hereby corrected to include: The following grain elevators are part of this geographic area assignment: In Central Iowa Grain Inspection Service, Inc.'s, area: Scoular Elevator, Elliot, Montgomery County; and Scoular (2 elevators), Griswold, Cass County, Iowa. In Fremont Grain Inspection Department, Inc.'s, area: United Farmers Coop, Rising City, Butler County; and United Farmers Coop, Shelby, Polk County, Nebraska. In Lincoln Inspection Service, Inc.'s, area: Goode Seed Grain, McPaul, Fremont County, Iowa; and Haveman Grain, Murray, Cass County, Nebraska.

The following grain elevators are not part of this geographic area assignment and are assigned to: Fremont Grain Inspection Department, Inc.: Farmers Cooperative, and Krumel Grain and Storage, both in Wahoo, Saunders County, Nebraska.

Correction: In the **Federal Register** Notice published on September 13, 2012 in FR Doc. 2012–56610, in the first column, the ''Areas Open for Designation'' ''Michigan'' paragraph is hereby corrected to include:

The following grain elevator is not part of this geographic area assignment and is assigned to: Northeast Indiana Grain Inspection, Inc.: Trupointe Elevator, Payne, Paulding County, Ohio.

Correction: In the **Federal Register** Notice published on February 26, 2013 in FR Doc. 2013–13015, correct the ''Headquarters locations and telephone'' section for Keokuk to read: Keokuk, IA (319) 524–6482.

In the February 26, 2013 **Federal Register** (78 FR 13015), GIPSA announced the designation of Michigan Grain Inspection Services, Inc. for the Marshall, MI geographic area effective April 1, 2013 and the Omaha Grain Inspection Service, Inc. for the Omaha, NE geographic area effective April 1, 2013; in the December 28, 2012, **Federal Register** (77 FR 76451), the designation of the Frankfort Grain Inspection, Inc. for the Frankfort, IN geographic area was announced by GIPSA effective January 1, 2013; and in the May 30, 2012, **Federal Register** (77 FR 31831), the designation of the Kansas Grain Inspection Service, Inc. was announced for the Topeka, KS geographic area effective July 1, 2012; and the Minot Grain Inspection, Inc. for the Minot, ND geographic area effective July 1, 2012. The geographic areas for these official agencies are corrected as provided in this Notice.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2013–17440 Filed 7–19–13; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in Owensboro, KY; Bloomington, IL; Iowa Falls, IA; Casa Grande, AZ; Fargo, ND; Grand Forks, ND and Plainview, TX; Areas; Request for Comments on the Official Agencies Servicing These Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end on March 31, 2014. We are asking persons or governmental agencies interested in providing official services in the areas presently served by these agencies to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agencies: J.W. Barton Grain Inspection Service, Inc. (Barton); Central Illinois Grain Inspection, Inc. (Central Illinois); Central Iowa Grain Inspection Corporation (Central Iowa); Farwell Commodity and Grain Services, Inc. (Farwell SW); North Dakota Grain Inspection Service, Inc. (North Dakota); Northern Plains Grain Inspection Service, Inc. (Northern Plains); and Plainview Grain Inspection and Weighing Service, Inc. (Plainview).

DATES: Applications and comments must be received by August 21, 2013.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISOnline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISOnline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to Regulations.gov (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Eric J. Jabs, Chief, USDA, GIPSA, FGIS, QACD, QADB, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax:* Eric J. Jabs, 816–872–1257.
- *Email: Eric.J.Jabs@usda.gov.*

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 79(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)). Under section 79(g) of the USGSA, designations of official agencies are effective for three years unless terminated by the Secretary, but may be renewed according to the criteria and procedures

prescribed in section 79(f) of the USGSA.

Areas Open for Designation:

Barton

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the States of Indiana, Kentucky, and Tennessee, is assigned to this official agency.

In Indiana

Clark, Crawford, Floyd, Harrison, Jackson, Jennings, Jefferson, Lawrence, Martin, Orange, Perry, Scott, Spencer, and Washington Counties.

In Kentucky

Bounded on the North by the northern Daviess, Hancock, Breckinridge, Meade, Hardin, Jefferson, Oldham, Trimble, and Carroll County lines; Bounded on the East by the eastern Carroll, Henry, Franklin, Scott, Fayette, Jessamine, Woodford, Anderson, Nelson, Larue, Hart, Barren, and Allen County lines; Bounded on the South by the southern Allen and Simpson County lines; and Bounded on the West by the western Simpson and Warren County lines; the southern Butler and Muhlenberg County lines; the Muhlenberg County line west to the Western Kentucky Parkway; the Western Kentucky Parkway west to State Route 109; State Route 109 north to State Route 814; State Route 814 north to U.S. Route Alternate 41; U.S. Route Alternate 41 north to the Webster County line; the northern Webster County line; the western McLean and Daviess County lines.

In Tennessee

Bounded on the North by the northern Tennessee State line from Sumner County east; Bounded on the East by the eastern Tennessee State line southwest; Bounded on the South by the southern Tennessee State line west to the western Giles County line; and Bounded on the West by the western Giles, Maury, and Williamson County lines North; the northern Williamson County line east; the western Rutherford, Wilson, and Sumner County lines north.

Central Illinois

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Illinois, is assigned to this official agency.

In Illinois

Bounded on the North by State Route 18 east to U.S. Route 51; U.S. Route 51 south to State Route 17; State Route 17 east to Livingston County; the Livingston County line east to State Route 47; Bounded on the East by State Route 47 south to State Route 116; State Route 116 west to Pontiac, which intersects with a straight line running north and south through Arrowsmith to the southern McLean County line; Bounded on the South by the southern McLean County line; the eastern Logan County line south to State Route 10; State Route 10 west to the Logan County line; the western Logan County line; the southern Tazewell County line; and Bounded on the West by the western Tazewell County line; the western Peoria County line north to Interstate 74; Interstate 74 southeast to State Route 116; State Route 116 north to State Route 26; State Route 26 north to State Route 18.

The following grain elevator is not part of this geographic area assignment and is assigned to: Champaign-Danville Grain Inspection Departments, Inc.: East Lincoln Farmers Grain Co., Lincoln, Logan County, Illinois.

Central Iowa

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Iowa, is assigned to this official agency.

In Iowa

Bounded on the North by U.S. Route 30 east to N44; N44 south to E53; E53 east to U.S. Route 30; U.S. Route 30 east to the Boone County line; the western Boone County line north to E18; E18 east to U.S. Route 169; U.S. Route 169 north to the Boone County line; the northern Boone County line; the western Hamilton County line north to U.S. Route 20; U.S. Route 20 east to R38; R38 north to the Hamilton County line; the northern Hamilton County line east to Interstate 35; Interstate 35 northeast to C55; C55 east to S41; S41 north to State Route 3; State Route 3 east to U.S. Route 65; U.S. Route 65 north to C25; C25 east to S56; S56 north to C23; C23 east to T47; T47 south to C33; C33 east to T64; T64 north to B60; B60 east to U.S. Route 218; U.S. Route 218 north to Chickasaw County; the western Chickasaw County line; and the western and northern Howard County lines. Bounded on the East by the eastern Howard and Chickasaw County lines; the eastern and southern Bremer County lines; V49 south to State Route 297; State Route 297 south to D38; D38 west to State Route 21; State Route 21 south to State Route 8; State Route 8 west to U.S. Route 63; U.S. Route 63 south to Interstate 80; Interstate 80 east to the Poweshiek County line; the eastern Poweshiek, Mahaska, Monroe, and Appanoose County lines; Bounded on the South by the southern Appanoose, Wayne, Decatur, Ringgold, and Taylor County lines; Bounded on the West by the western Taylor County line; the southern Montgomery County line west to State Route 48; State Route 48 north to M47; M47 north to the Montgomery County line; the northern Montgomery County line; the western Cass and Audubon County lines; the northern Audubon County line east to U.S. Route 71; U.S. Route 71 north to U.S. Route 30.

The following grain elevators are part of this geographic area assignment. In D.R. Schaal Agency's area: Agvantage F.S., Chapin, Franklin County and Five Star Coop, Rockwell, Cerro Gordo County, Iowa.

The following grain elevators are not part of this geographic area assignment and are assigned to: Sioux City Inspection and Weighing Service Company: West Central Coop, Boxholm, Boone County, Iowa; Omaha Grain Inspection Service, Inc.: Scoular Elevator, Elliot, Montgomery County and two Scoular elevators, Griswold, Cass County, Iowa.

Farwell SW

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the States of Arizona and California, is assigned to this official agency.

In Arizona

Maricopa, Pinal, Santa Cruz, and Yuma Counties.

In California

Imperial, Riverside, and San Diego Counties.

Farwell Southwest's assigned geographic area does not include the export port locations inside Farwell Southwest's area, which are serviced by GIPSA.

North Dakota

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the States of Illinois, Minnesota and North Dakota, is assigned to this official agency.

In Illinois

Bounded on the East by the eastern Cumberland County line; the eastern Jasper County line south to State Route 33; State Route 33 east-southeast to the Indiana-Illinois State line; the Indiana-Illinois State line south to the southern Gallatin County line; Bounded on the South by the southern Gallatin, Saline, and Williamson County lines; the southern Jackson County line west to U.S. Route 51; U.S. Route 51 north to

State Route 13; State Route 13 northwest to State Route 149; State Route 149 west to State Route 3; State Route 3 northwest to State Route 51; State Route 51 south to the Mississippi River; and Bounded on the West by the Mississippi River north to the northern Calhoun County line; Bounded on the North by the northern and eastern Calhoun County lines; the northern and eastern Jersey County lines; the northern Madison County line; the western Montgomery County line north to a point on this line that intersects with a straight line, from the junction of State Route 111 and the northern Macoupin County line to the junction of Interstate 55 and State Route 16 (in Montgomery County); from this point southeast along the straight line to the junction of Interstate 55 and State Route 16; State Route 16 east-northeast to a point approximately 1 mile northeast of Irving; a straight line from this point to the northern Fayette County line; the northern Fayette, Effingham, and Cumberland County lines.

In Minnesota

Koochiching, St. Louis, Lake, Cook, Itasca, Norman, Mahnomen, Hubbard, Cass, Clay, Becker, Wadena, Crow Wing, Aitkin, Carlton, Wilkin, and Otter Tail Counties, except those export port locations within the State, which are serviced by GIPSA.

In North Dakota

Bounded on the North by the northern Steele County line from State Route 32 east; the northern Steele and Trail County lines east to the North Dakota State line; Bounded on the East by the eastern North Dakota State line; Bounded on the South by the southern North Dakota State line west to State Route 1; and Bounded on the West by State Route 1 north to Interstate 94; Interstate 94 east to the Soo Railroad line; the Soo Railroad line northwest to State Route 1; State Route 1 north to State Route 200; State Route 200 east to State Route 45; State Route 45 north to State Route 32; State Route 32 north.

Northern Plains

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the States of Minnesota and North Dakota, is assigned to this official agency.

In Minnesota

Kittson, Roseau, Lake of the Woods, Marshall, Beltrami, Polk, Pennington, Red Lake, and Clearwater Counties.

In North Dakota

Bounded on the North by the North Dakota State line; Bounded on the East by the North Dakota State line south to the southern Grand Forks County line; Bounded on the South by the southern Grand Forks and Nelson County lines west to the western Nelson County line; the western Nelson County line north to the southern Benson County line, the southern Benson and Pierce County lines west to State Route 3; and Bounded on the West by State Route 3 north to the southern Rolette County line; the southern Rolette County line west to the western Rolette County line to the north to the North Dakota State line.

Plainview

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Texas, is assigned to this official agency.

In Texas

Bounded on the North by the northern Deaf Smith County line east to U.S. Route 385; U.S. Route 385 south to FM 1062; FM 1062 east to State Route 217; State Route 217 east to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River southeast to the Briscoe County line; the northern Briscoe County line; the northern Hall County line east to U.S. Route 287; U.S. Route 287 southeast to the eastern Hall County line south to the northern Cottle County line; the northern Cottle County line east to the northern Hardeman County line; Bounded on the East by the eastern Hardeman and Fourd County lines to the northern Baylor and Archer County lines to the eastern Archer, Throckmorton, Shacklelford, and Callahan County lines; Bounded on the South by the southern Calahan, Taylor, Nolan, Mitchell, Howard, Martin, and Andrews County lines; and Bounded on the West by the western Andrews, Gaines, and Yoakum County lines; the northern Yoakum and Terry county lines; the western Lubbock County line; the western Hale County line north to FM 37; FM 37 west to U.S. Route 84; U.S. Route 84 northwest to FM 303; FM 303 north to U.S. Route 70; U.S. Route 70 west to the Lamb County line; the western and northern Lamb County lines; the western Castro County line; the southern Deaf Smith County line west to State Route 214; State Route 214 north to the northern Deaf Smith County line.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 79(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic areas is for the period beginning April 1, 2014 and ending March 31, 2017. To apply for designation or for more information, contact Eric J. Jabs at the address listed above or visit GIPSA's Web site at *http://www.gipsa.usda.gov.*

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by Barton, Central Illinois, Central Iowa, Farwell SW, North Dakota, Northern Plains, and Plainview official agencies. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicants. Submit all comments to Eric J. Jabs at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2013–17449 Filed 7–19–13; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Correction for the Cairo, IL and Belmond, IA Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and correction.

SUMMARY: The U.S. Department of Agriculture, Grain Inspection, Packers and Stockyards Administration (GIPSA), published a **Federal Register** Notice on December 28, 2012, announcing the opportunity for Designation for the Cairo, IL and Belmond, IA Areas. The Notice incorrectly omitted grain elevators assigned inside and/or outside of the geographical areas.

ADDRESSES: Eric J. Jabs, Chief, USDA, GIPSA, FGIS, QACD, QADB, 10383 North Ambassador Drive, Kansas City, MO 64153

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

SUPPLEMENTARY INFORMATION: The **Federal Register** Notice published on December 28, 2012 for designation in the Cairo, IL and Belmond, IA areas incorrectly omitted grain elevators assigned inside and/or outside of the geographical areas. The Notice provided that applications and comments were to be received by January 28, 2013.

Correction

In the **Federal Register** Notice published on December 28, 2012 in FR Doc. 2012–76454, in the first column, the ''Areas Open for Designation'' ''Cairo'' paragraph is hereby corrected to include:

The following grain elevator is not part of this geographic area assignment and is assigned to: Midsouth Grain Inspection Service: Cargill, Inc., Tiptonville, Lake County, Tennessee.

Correction

In the **Federal Register** Notice published on December 28, 2012 in FR Doc. 2012–76454, in the second column, the ''Areas Open for Designation'' ''D.R. Schaal'' paragraph is hereby corrected to include:

The following grain elevators are not part of this geographic area assignment and are assigned to: Central Iowa Grain Inspection Service, Inc.: Agvantage F.S., Chapin, Franklin County and Five Star Coop, Rockwell, Cerro Gordo County, Iowa; Sioux City Inspection and Weighing Service Company: Maxyield Coop, Algona, Kossuth County; Stateline Coop, Burt, Kossuth County; Gold-Eagle, Goldfield, Wright County; and North Central Coop, Holmes, Wright County, Iowa.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2013–17444 Filed 7–19–13; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Champaign-Danville, IL Area; Correction to Geographic Area for Champaign-Danville, IL Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and correction.

SUMMARY: GIPSA is announcing the designation of Champaign-Danville Grain Inspection Department, Inc.'s (Champaign) to provide official services under the United States Grain Standards Act (USGSA), as amended.

In addition, this Notice corrects the **Federal Register** Notices published on September 13, 2012 and December 28, 2012 concerning the opportunity for designation in the Champaign area, which incorrectly omitted grain elevators located outside of Champaign's geographical area assigned to Champaign and grain elevators inside of Champaign's geographical area assigned to another official agency.

DATES: *Effective Date:* Designation effective as of April 1, 2013.

ADDRESSES: Eric J. Jabs, Chief, USDA, GIPSA, FGIS, QACD, QADB, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

Read Applications: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the December 28, 2012 **Federal Register** Notice (77 FR 76452), GIPSA requested applications for designation to provide official services in the geographic areas presently serviced by Champaign. Applications were due by January 28, 2013.

Champaign was the sole applicant for designation to provide official services in the area. As a result, GIPSA did not ask for additional comments.

GIPSA evaluated all available information regarding the designation criteria in section 79(f) of the USGSA (7 U.S.C. 79(f)) and determined that Champaign is qualified to provide official services in the geographic area specified in the **Federal Register** Notice published on December 28, 2012 and as corrected herein. This designation action to provide official services in these specified areas is effective as of April 1, 2013 and terminates on March 31, 2016.

Interested persons may obtain official services by contacting these agencies at the following telephone numbers:

Official agency	Headquarters location and telephone	Designation start	Designation end
Champaign	Urbana, IL, (217) 344–9306	4/1/2013	3/31/2016

Section 79(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)).

Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than three years unless terminated by the Secretary; however, designations may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Correction: In the **Federal Register** Notice published on December 28, 2012 in FR Doc. 2012–76452, in the third column, the ''Areas Open for Designation'' ''Champaign'' paragraph is hereby corrected to include:

The following grain elevators are part of this geographic area assignment. In Decatur Grain Inspection, Inc.'s area: Okaw Cooperative, Cadwell, Moultrie County; ADM (3) elevators, Farmer City, Dewitt County; and Topflight Grain Company, Monticello, Piatt County, Illinois. In Central Illinois Grain Inspection, Inc.'s, area: East Lincoln Farmers Grain Co., Lincoln, Logan County, Illinois.

The following grain elevators are not part of this geographic area assignment and are assigned to: Titus Grain Inspection, Inc.: Boswell Chase Grain, Inc., Boswell, Benton County, Indiana.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2013–17445 Filed 7–19–13; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Muncie, IN; Fremont, NE; Annapolis, MD; and West Lafayette, IN Areas; Corrections to Geographic Areas for Fremont and Titus

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and correction.

SUMMARY: GIPSA is announcing the designation of East Indiana; Fremont Grain Inspection Department, Inc. (Fremont); Maryland Department of Agriculture (Maryland); and Titus Grain Inspection, Inc. (Titus) to provide official services under the United States Grain Standards Act (USGSA), as amended. East Indiana Grain Inspection, Inc.'s (East Indiana) geographical territory is amended to include the area previously designated to Indianapolis Grain Inspection and Weighing Service, Inc. (Indianapolis). In addition, this Notice corrects the **Federal Register** Notice published on December 28, 2012 concerning the opportunity for designation in the Fremont and Titus areas, which incorrectly omitted grain elevators located outside of Fremont and Titus geographical areas assigned to Fremont and Titus, respectively, and grain elevators inside of Fremont's geographical area assigned to another official agency.

DATES: *Effective Date:* Designations effective as of July 1, 2013.

ADDRESSES: Eric J. Jabs, Chief, USDA, GIPSA, FGIS, QACD, QADB, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

Read Applications: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the October 31, 2012 **Federal Register** Notice (77 FR 65855), GIPSA requested applications for designation to provide official services in the geographic area formally serviced by Indianapolis. Applications were due by November 30, 2012.

East Indiana and Mid-Iowa Grain Inspection, Inc. (Mid-Iowa) were the two applicants for designation to provide official services in the Indianapolis, IN area. Both applied for the entire Indianapolis, IN. geographic area.

In the January 15, 2013 **Federal Register** Notice (78 FR 2950), GIPSA requested comments on the two applications for designation to provide official services in the Indianapolis, IN area. Comments were due by February 14, 2013. GIPSA received one comment from a grain company that used East Indiana as a service provider. The commenter stated that advance notice was required for timely service and that East Indiana provided quick grades.

GIPSA reviewed designation criteria in section 79(f) of the USGSA (7 U.S.C. 79 (f)) to determine the applicant better able than any other applicant to provide official services. Criteria include past performance, the stability and quality of service, cooperation with GIPSA, adequacy of resources, the cost of inspection service, the comments received, the accuracy and detail of their plans, past practices, and financial impact. After a comprehensive review of the designation criteria, GIPSA determined that East Indiana is better able than any other applicant to provide official services for the Indianapolis, IN geographical area specified in the **Federal Register** Notice published on October 31, 2012.

In the December 28, 2012 **Federal Register** Notice (77 FR 76454), GIPSA requested applications for designation to provide official services in the geographic areas presently serviced by East Indiana, Fremont, Maryland, and Titus. Applications were due by January 28, 2013.

East Indiana, Fremont, Maryland, and Titus were the sole applicants for designation to provide official services in these areas. As a result, GIPSA did not ask for additional comments.

GIPSA evaluated all available information regarding the designation criteria in section 79(f) of the USGSA (7 U.S.C. 79(f)) and determined that East Indiana, Fremont, Maryland, and Titus are qualified to provide official services in the geographic area specified in the **Federal Register** Notice published on December 28, 2012, and as corrected herein.

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following amended geographic area is assigned to East Indiana:

In Indiana

Bartholomew, Blackford, Brown, Delaware, Fayette, Grant (east of State Route 5 and north of State Route 18), Hamilton (south of State Route 32), Hancock, Hendricks, Henry, Jay, Johnson, Madison, Marion, Monroe, Morgan, Randolph, Rush, Shelby, Union, and Wayne Counties.

In Ohio

Darke County.

This designation action to provide official services in these specified areas is effective July 1, 2013 and terminates on June 30, 2016.

Interested persons may obtain official services by contacting these agencies at the following telephone numbers:

Official agency	Headquarters location and telephone	Designation start	Designation end
East Indiana	Muncie, IN, (765) 744–6425	7/1/2013	6/30/2016
Fremont	Fremont, NE, (402) 721–1270	7/1/2013	6/30/2016
Maryland	Annapolis, MD, (410) 841–5769	7/1/2013	6/30/2016
Titus	West Lafayette, IN, (765) 497–2202	7/1/2013	6/30/2016

Section 79(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)).

Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than three years unless terminated by the Secretary; however, designations may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Correction

In the **Federal Register** Notice published on December 28, 2012 in FR Doc. 2012–76455, in the first column, the ''Areas Open for Designation'' ''Fremont'' paragraph is hereby corrected to include:

The following grain elevators are part of this geographic area assignment. In Omaha Grain Inspection Service, Inc's area, Farmers Union Cooperative Association and Krumel Grain and Storage, both located in Wahoo, Saunders County, Nebraska.

The following grain elevators are not part of this geographic area assignment and are assigned to: Hastings Grain Inspection, Inc.: Huskers Cooperative Grain Company located in Columbus, Platte County, Nebraska; Omaha Grain Inspection Service, Inc.: United Farmers Cooperative located in Rising City, Butler Country, Nebraska and United Farmers Cooperative elevator located in Shelby, Polk County, Nebraska.

Correction

In the **Federal Register** Notice published on December 28, 2012 in FR Doc. 2012–76455, in the second column, the ''Areas Open for Designation'' ''Titus'' paragraph is hereby corrected to include:

The following grain elevators are part of this geographic area assignment. In Champaign-Danville Grain Inspection Department, Inc.'s area: Boswell Chase Grain, Inc., Boswell, Benton County, Illinois. In Frankfort Grain Inspection, Inc.'s area: The Andersons, Delphi, Carroll County; Frick Services, Inc., Leiters Ford, Fulton County; and Cargill, Inc., Linden, Montgomery County, Indiana.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2013–17447 Filed 7–19–13; 8:45 am]

BILLING CODE 3410–KD–P

COMMISSION ON CIVIL RIGHTS

State Advisory Committees

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of period during which individuals may apply to be appointed to the Arizona Advisory Committee, California Advisory Committee, and Nebraska Advisory Committee; request for applications.

SUMMARY: Because the terms of the members of the Arizona Advisory Committee are expiring as of November 29, 2013, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Arizona Advisory Committee, and applicants must be residents of Arizona to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than September 29, 2013. Letters of interest must be sent to the address listed below.

Because the terms of the members of the California Advisory Committee are expiring as of October 30, 2013, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the California Advisory Committee, and applicants must be residents of California to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than August 30, 2013. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Nebraska Advisory Committee are expiring as of November 29, 2013, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Nebraska Advisory Committee, and applicants must be residents of Nebraska to be considered. Letters of interest must be received by the Central Regional Office of the U.S. Commission on Civil Rights no later than September 29, 2013. Letters of interest must be sent to the address listed below.

DATES: Letters of interest for membership on the Arizona Advisory Committee should be received no later than September 29, 2013.

Letters of interest for membership on the California Advisory Committee should be received no later than August 30, 2013.

Letters of interest for membership on the Nebraska Advisory Committee should be received no later than September 29, 2013.

ADDRESSES: Send letters of interest for the Arizona and California Advisory Committees to: U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Letter can also be sent via email to *atrevino@usccr.gov.*

Send letters of interest for the Nebraska Advisory Committee to: U.S. Commission on Civil Rights, Central Regional Office, 400 State Avenue, Suite 908, Kansas City, KS 66101. Letter can also be sent via email to *csanders@usccr.gov.*

FOR FURTHER INFORMATION CONTACT: David Mussatt, Acting Chief, Regional Programs Coordination Unit, 55 W. Monroe St., Suite 410, Chicago, IL 60603, (312) 353–8311. Questions can also be directed via email to *dmussatt@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Arizona, California, and Nebraska State Advisory Committees (SAC) are statutorily mandated advisory committees of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. 1975a. Under the charter for the SACs, the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. SACs also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

The SAC consists of not more than 19 members, each of whom will serve a two-year term. Members serve as unpaid Special Government Employees who are reimbursed for travel and expenses. To be eligible to be on a SAC, applicants must be residents of the respective state and have demonstrated expertise or interest in civil rights issues.

The Commission is an independent, bipartisan agency established by Congress in 1957 to focus on matters of race, color, religion, sex, age, disability, or national origin. Its mandate is to:

- Investigate complaints from citizens that their voting rights are being deprived,
- Study and collect information about discrimination or denials of equal protection under the law,
- Appraise federal civil rights laws and policies,
- Serve as a national clearinghouse on discrimination laws,
- Submit reports and findings and recommendations to the President and the Congress, and
- Issue public service announcements to discourage discrimination.

The Commission invites any individual who is eligible to be appointed a member of the Arizona, California, or Nebraska Advisory Committee covered by this notice to send a letter of interest and a resume to the respective address above.

Dated in Chicago, IL, on July 16, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–17475 Filed 7–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Harold Hanson; Order Relating to Harold Hanson

In the Matter of: Harold Hanson, 4280 Wheeled Caisson Square, Fairfax, Virginia 22033; Respondent

Order Relating to Harold Hanson

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS''), has notified Harold Hanson, of Fairfax, Virginia (''Hanson''), of its intention to initiate an administrative proceeding against Hanson pursuant to Section 766.3 of the Export Administration Regulations (the ''Regulations''),[1] and Section 13(c) of the Export Administration Act of 1979, as amended (the ''Act''),[2] through the issuance of a Proposed Charging Letter to Hanson that alleges that Hanson committed one violation of the Regulations. Specifically, the charge is:

Charge 1 15 CFR 764.2(g): Misrepresentation and Concealment of Facts in the Course of an Investigation

On or about January 29, 2009, Hanson made false or misleading statements to the U.S. Government in the course of an investigation. Specifically, in relation to an investigation of unlicensed exports to the People's Republic of China (''China'') of 20 autopilots, items subject to the Regulations, and valued at approximately $90,340, during an interview with a BIS special agent and an FBI special agent on or about January 29, 2009, Hanson represented that he did not provide the Canadian seller, with an end use for the autopilots. These statements were false or misleading because Hanson actually had provided the seller with a stated end use in his email communications with the company, stating that the autopilots would be used for research projects to record thunderstorm and tornado development in the Great Plains. The items were, in fact, intended for export to China and subsequently were exported from the United States to China.

In so doing, Hanson committed one violation of Section 764.2(g) of the Regulations.

Whereas, BIS and Hanson have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations, whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein; and

Whereas, I have approved of the terms of such Settlement Agreement;

It is therefore ordered:

First, that for a period of fifteen (15) years from the date of this Order, Hanson, with a last known address of 4280 Wheeled Caisson Square, Fairfax, Virginia 22033, and when acting for or on his behalf, his successors, assigns, representatives, agents, or employees (hereinafter collectively referred to as ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Fourth, Hanson shall not take any action or make or permit to be made any public statement, directly or indirectly, denying the allegations in the Proposed Charging Letter or the Order. The foregoing does not affect Hanson's testimonial obligations in any proceeding, nor does it affect its right to take legal or factual positions in civil litigation or other civil proceedings in which the U.S. Department of Commerce is not a party.

Fifth, that the Proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

Sixth, that this Order shall be served on Hanson, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Issued this 16th day of July, 2013.

David W. Mills,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2013–17512 Filed 7–19–13; 8:45 am]

BILLING CODE P

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2013). The charged violation occurred in 2009. The Regulations governing the violations at issue are found in the 2009 version of the Code of Federal Regulations (15 CFR parts 730–774). The 2013 Regulations set forth the procedures that apply to this matter.

[2] 50 U.S.C. app. §§ 2401–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2012 (77 FR 49699 (Aug. 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) (2006 & Supp. IV 2010).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Relating to Yaming Nina Qi Hanson

In the Matter of: Yaming Nina Qi Hanson, #1003, 2 Unit, 40 Bldg., Xuriwan Garden, Xiangzhou District, Zhuhai, Guangdong Province, People's Republic of China, Respondent

Order Relating to Yaming Nina Qi Hanson

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS''), has notified Yaming Nina Qi Hanson, of Zhuhai, Guangdong Province, People's Republic of China (''Qi Hanson''), of its intention to initiate an administrative proceeding against Qi Hanson pursuant to Section 766.3 of the Export Administration Regulations (the ''Regulations''),[1] and Section 13(c) of the Export Administration Act of 1979, as amended (the ''Act''),[2] through the issuance of a Proposed Charging Letter to Qi Hanson that alleges that Qi Hanson committed one violation of the Regulations. Specifically, the charge is:

Charge 1 15 CFR 764.2(g): Misrepresentation and Concealment of Facts in the Course of an Investigation

On or about January 29, 2009, Qi Hanson made false or misleading statements to the U.S. Government in the course of an investigation. Specifically, in relation to an investigation of unlicensed exports to the People's Republic of China (''China'') of 20 autopilots, items subject to the Regulations, and valued at approximately $90,340, during an interview with a BIS special agent and an FBI special agent on or about January 29, 2009, Qi Hanson represented that several old university classmates in China provided her with $75,000 to purchase the autopilots from the Canadian seller. Qi Hanson knew at the time she made this statement to the agents that it was false and that in fact Fang Yu, President of Xi'an XiangYu Aviation Technical Group of Xian, China, had given her money to finance the entire purchase.

In so doing, Qi Hanson committed one violation of section 764.2(g) of the Regulations.

Whereas, BIS and Qi Hanson have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations, whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein; and

Whereas, I have approved of the terms of such Settlement Agreement;

It is therefore ordered:

First, that for a period of fifteen (15) years from the date of this Order, Qi Hanson, with a last known address of #1003, 2 Unit, 40 Bldg., Xuriwan Garden, Xiangzhou District, Zhuhai, Guangdong Province, People's Republic of China, and when acting for or on her behalf, her successors, assigns, representatives, agents, or employees (hereinafter collectively referred to as ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Fourth, Qi Hanson shall not take any action or make or permit to be made any public statement, directly or indirectly, denying the allegations in the Proposed Charging Letter or the Order. The foregoing does not affect Qi Hanson's testimonial obligations in any proceeding, nor does it affect its right to take legal or factual positions in civil litigation or other civil proceedings in which the U.S. Department of Commerce is not a party.

Fifth, that the Proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

Sixth, that this Order shall be served on Qi Hanson, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2013). The charged violation occurred in 2009. The Regulations governing the violations at issue are found in the 2009 version of the Code of Federal Regulations (15 CFR parts 730–774). The 2013 Regulations set forth the procedures that apply to this matter.

[2] 50 U.S.C. app. 2401–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2012 (77 FR 49699 (Aug. 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) (2006 & Supp. IV 2010).

Issued this 16th day of July 2013.

David W. Mills,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2013–17513 Filed 7–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–449–804; A–455–803; A–560–811; A–570–860; A–822–804; A–823–809; A–841–804]

Steel Concrete Reinforcing Bars From Belarus, Indonesia, Latvia, Moldova, Poland, the People's Republic of China, and Ukraine: Continuation of Antidumping Duty Orders

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (''Department'') that revocation of the antidumping duty orders [1] on steel concrete reinforcing bars from Belarus, Indonesia, Latvia, Moldova, Poland, the People's Republic of China (''PRC''), and Ukraine would likely lead to continuation or recurrence of dumping, and by the International Trade Commission (''ITC'') that revocation of the antidumping duty orders would likely lead to continuation or recurrence of material injury to an industry in the United States, the Department is publishing this notice of the continuation of the antidumping duty orders.

DATES: *Effective Date:* July 22, 2013.

FOR FURTHER INFORMATION CONTACT: Nancy Decker, AD/CVD Operations, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–0916.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 2012, the Department and the ITC initiated the second sunset reviews of the antidumping duty orders on steel concrete reinforcing bars from Belarus, Indonesia, Latvia, Moldova, Poland, the PRC, and Ukraine, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').[2] In these sunset reviews, the Department determined that revocation of the antidumping duty orders on steel concrete reinforcing bars from Belarus, Indonesia, Latvia, Moldova, Poland, the PRC, and Ukraine would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margin likely to prevail should the orders be revoked.[3]

On July 9, 2013, pursuant to section 752(a) of the Act, the ITC published its determination that revocation of the antidumping duty orders on steel concrete reinforcing bars from Belarus, Indonesia, Latvia, Moldova, Poland, the PRC, and Ukraine would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the Orders

The product covered by the orders is all steel concrete reinforcing bars sold in straight lengths, currently classifiable in the Harmonized Tariff Schedule of the United States (''HTSUS'') under item numbers 7214.20.00, 7228.30.8050, 7222.11.0050, 7222.30.0000, 7228.60.6000, 7228.20.1000, or any other tariff item number. Specifically excluded are plain rounds (*i.e.,* non-deformed or smooth bars) and rebar that has been further processed through bending or coating.

Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the orders remains dispositive.

Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of these orders would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on steel concrete reinforcing bars from Belarus, Indonesia, Latvia, Moldova, Poland, the PRC, and Ukraine.

U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of these orders not later than 30 days prior to the fifth anniversary of the effective date of continuations.

These five-year sunset reviews and notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: July 15, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–17538 Filed 7–19–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping Duty Orders: Steel Concrete Reinforcing Bars From Belarus, Indonesia, Latvia, Moldova, People's Republic of China, Poland, Republic of Korea and Ukraine,* 66 FR 46777 (September 7, 2001). On August 9, 2007, the Department revoked the antidumping duty order on steel concrete reinforcing bars from the Republic of Korea. *See Steel Concrete Reinforcing Bars from South Korea: Revocation of Antidumping Duty Order,* 72 FR 44830 (August 9, 2007).

[2] *See Initiation of Five-Year (''Sunset'') Reviews,* 77 FR 39218, 39219 (July 2, 2012).

[3] *See Steel Concrete Reinforcing Bars From Belarus, Indonesia, Latvia, Moldova, Poland, People's Republic of China and Ukraine: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders;* 77 FR 70140 (November 23, 2012).

[4] *See Steel Concrete Reinforcing Bar From Belarus, China, Indonesia, Latvia, Moldova, Poland, and Ukraine,* 78 FR 41079 (July 9, 2013).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC768

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of final determination and discussion of underlying biological analysis.

SUMMARY: NMFS has evaluated the Tribal Resource Management Plans (Plans) submitted by the Confederated Tribes of the Umatilla Indian Reservation, the Shoshone-Bannock Tribes, and the Nez Perce Tribe to NMFS pursuant to the limitation on take prohibitions for actions conducted under the Tribal Rule of section 4(d) for salmon and steelhead promulgated under the Endangered Species Act (ESA). The Plans specify fishery management activities in the Oregon and Washington portions of the Snake River basin. This document serves to notify the public that NMFS, by delegated authority from the Secretary of Commerce, has determined pursuant to the ESA Tribal 4(d) Rule for salmon and steelhead that implementing and enforcing the Plans will not appreciably reduce the likelihood of survival and recovery of ESA-listed salmon and steelhead.

DATES: The final determination on the Plan was made on July 2, 2013.

ADDRESSES: National Marine Fisheries Service, Salmon Management Division, 1201 NE. Lloyd Boulevard, Suite 1100, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Enrique Patiño at (206) 526–4655, or email: *Enrique.Patino@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): threatened, naturally produced and artificially propagated Snake River spring/summer.

Steelhead *(O. mykiss)*: threatened, naturally produced and artificially propagated Snake River Basin.

Background

The Nez Perce Tribe (NPT), the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), and the Shoshone-Bannock Tribes (SBT) each submitted a Tribal Resource Management Plan for harvest of Snake River spring/summer Chinook salmon in the Imnaha and Grande Ronde subbasins for review under the Tribal 4(d) rule. Activities described in the Plans include tribal fisheries for hatchery-origin and natural-origin Chinook salmon using population-specific abundance-based harvest rate schedules, which incorporate conditions for the conservation and restoration of salmon stocks. The management objective is for the NPT, the CTUIR, and the SBT to conduct fisheries in a manner that does not appreciably reduce the likelihood of survival and recovery of listed Chinook salmon. The proposed Plans provide the framework through which Tribal salmon fisheries can be implemented while meeting requirements specified under the ESA.

Under section 4(d) of the ESA, the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. NMFS has issued a final ESA 4(d) Rule for Tribal Plans adopting regulations necessary and advisable to harmonize statutory conservation requirements with tribal rights and the Federal trust responsibility to tribes (50 CFR 223.209).

This 4(d) Rule for Tribal Plans applies the prohibitions enumerated in section 9(a)(1) of the ESA. NMFS did not find it necessary and advisable to apply the take prohibitions described in section 9(a)(1)(B) and 9(a)(1)(C) to fishery harvest activities if the fisheries are managed in accordance with a Tribal Plan whose implementation has been determined by the Secretary to not appreciably reduce the likelihood of survival and recovery of the listed salmonids.

As specified in the Tribal 4(d) Rule, before the Secretary makes a decision on a Tribal Plan, the public must have an opportunity to review and comment on the pending determination. NMFS made the proposed evaluation and pending determinations available for public review, and the final evaluation and determinations reflect consideration of comments received.

Discussion of the Biological Analysis Underlying the Determination

The management objective is for the tribes to conduct fisheries in a manner that does not appreciably reduce the likelihood of survival and recovery of listed Chinook salmon and steelhead. The Plans include provisions for monitoring and evaluation to assess fishing-related impacts on Snake River spring/summer Chinook salmon. The Plans utilize a harvest rate with five tiers based on predicted adult abundance of each of the affected populations. The majority of the harvest is anticipated to come from hatchery-origin stocks. The Plans also describe a process to guide coordination of fishery design and implementation between the agencies implementing fisheries in the action area. The Plans include provisions for monitoring and evaluation to assess fishing-related impacts on Snake River spring/summer Chinook salmon. Performance indicators include dam, weir, and redd counts, harvest estimates, and escapement with respect to escapement goals.

The tribes intend to engage in ceremonial and subsistence harvest of both hatchery and natural-origin spring/summer Chinook salmon. Annually, the tribes would issue season regulations detailing the timing and season regulations for tributary fisheries consistent with these long-term Plans. Under the Plans, the tribes would manage all Chinook salmon fisheries to achieve escapement objectives using population-specific, abundance-based harvest rate schedules to limit ESA take according to year-specific adult escapement abundances. As a result, weaker populations will sustain less harvest and, as the number of predicted adults increase, the number of fish escaping to the spawning grounds will also increase.

To achieve their conservation objectives, the Plans employ a number of key strategies as part of their harvest conservation measures, including: (1) Fishery-related redistribution of the conservation burden historically borne by fisheries; (2) use of threshold points to restrict the take of ESA-listed fish; and (3) application of a sliding scale approach to determine appropriate ESA take limits on critically low runs as well as on healthier runs at levels that may not slow recovery.

The Plans include provisions for annual reports that will assess compliance with performance standards established through the Plans. The monitoring and evaluation described in the Plans will focus on two primary performance indicators: adult and juvenile abundance, and the overall assessment of abundance and productivity measures for each population. Reporting and inclusion of new information derived from research, monitoring, and evaluation activities provides assurance that performance standards will be achieved in future seasons.

Summary of Comments Received in Response to the Proposed Evaluation and Pending Determination

NMFS published notice of its proposed evaluation and pending determination on two of the Plans for public review and comment on August 11, 2011 (76 FR 49735). The proposed evaluation and pending determination and an associated draft environmental assessment were available for public review and comment for 30 days. NMFS received comments from the Oregon Department of Fish and Wildlife, the CTUIR, and the NPT. Subsequently, NMFS received an updated TRMP from the NPT, addressing management of NPT fisheries in the Grande Ronde and Imnaha Rivers. NMFS published notice of its proposed evaluation and pending determination on the NPT Plan for public review and comment on January 23, 2013 (78 FR 4835), also for 30 days. No comments were received.

A detailed summary of the comments and NMFS' responses is also available on the Salmon Management Division Web site. Based on its evaluation and recommended determinations and taking into account the public comments, NMFS issued its final determination on the three tribal fishery Plans.

Authority

Under section 4 of the ESA, the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of the species listed as threatened. The ESA Tribal 4(d) Rule (50 CFR 223.209) states that the ESA section 9 take prohibitions will not apply to Tribal Plans that will not appreciably reduce the likelihood of

survival and recovery for the listed species.

Dated: July 17, 2013.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–17530 Filed 7–19–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC731

Caribbean Fishery Management Council; Scoping Meetings

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

ACTION: Notice of scoping meetings.

SUMMARY: The Caribbean Fishery Management Council will hold scoping meetings to obtain input from fishers, the general public, and the local agencies representatives on the development of island-specific fishery management plans for Puerto Rico, St. Thomas/St. John, USVI and St. Croix, USVI. A fishery management plan will be developed for each of these areas.

The document entitled ''Development of a Comprehensive Fishery Management Plan for the Exclusive Economic Zone of St. Thomas/St. John, USVI,'' will consider the following alternative actions:

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.

The document entitled ''Development of a Comprehensive Fishery Management Plan for the Exclusive Economic Zone of St. Croix, USVI,'' will consider the following alternative actions:

Action 1: Establish the fishery management units (FMUs) for the comprehensive St. Croix, USVI fishery management plan (FMP).

Action 2: Revise the species composition of the comprehensive St. Croix FMP.

Action 3: Establish management reference points for any new species added to the comprehensive St. Croix, USVI FMP.

Action 4: Modify or establish additional management measures.

The document entitled ''Development of a Comprehensive Fishery Management Plan for the Exclusive Economic Zone of Puerto Rico,'' will consider the following alternative actions:

Action 1: Establish the fishery management units (FMUs) for the comprehensive Puerto Rico fishery management plan (FMP).

Action 2: Revise the species composition of the comprehensive Puerto Rico FMP.

Action 3: Establish management reference points for any new species added to the comprehensive Puerto Rico FMP.

Action 4: Modify or establish additional management measures.

The comprehensive plans will incorporate and modify, as needed, federal fishery management measures included in each of the existing species based management plans (Spiny Lobster, Reef Fish, Coral and Queen Conch). The goal is to create management plans tailored to the specific fishery management needs of each area. If approved, these new management plans being developed for each area; St. Thomas/St. John, USVI; St. Croix, USVI, and Puerto Rico, will replace the current species-based plans presently governing commercial and recreational harvest in the U.S. Caribbean federal waters.

Dates and Addresses: Due to the tropical storm Chantel the scoping meetings in these locations could not be held. The rescheduled scoping meetings will be held on the following dates and locations:

In Puerto Rico:

August 5, 2013—7 p.m.–10 p.m.—Mayaguez Resort & Casino, Route 104, Km 0.3, Mayagüez 00680, Puerto Rico.

August 6, 2013—7 p.m.–10 p.m.—at the Holiday Inn Ponce & Tropical Casino, 3315 Ponce By Pass, Ponce, Puerto Rico.

In the U.S. Virgin Islands:

August 6, 2013—7 p.m.—10 p.m.—Windward Passage Hotel, Charlotte Amalie, St. Thomas, U.S. Virgin Islands.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Caribbean Fishery Management Council will hold scoping meetings to receive public input on the management options mentioned above. The complete document is available at: *www.caribbeanfmc.com* or you may contact Ms. Livia Montalvo at *livia_montalvo_cfmc@yahoo.com,* or the Council office at (787) 766–5926 to obtain copies.

Written comments can be sent to the Council not later than July 31, 2013, by regular mail to the address below, or via email to *graciela_cfmc@yahoo.com.*

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: June 17, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–17511 Filed 7–19–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC770

Pacific 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 Pacific Fishery Management Council (Pacific Council) will convene a conference call of its Groundfish Essential Fish Habitat Review Committee (EFHRC). A listening station will be available at the Pacific Council offices for interested members of the public, and there may be opportunities to attend the meeting remotely.

DATES: The conference call will be held Friday, August 16, 2013, from 10 a.m. to 12 noon.

ADDRESSES: The meeting will be held via conference call, with a public listening station available at the Pacific Council offices, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The primary purpose of the conference call is to discuss proposals to modify Pacific Coast groundfish EFH. Proposals are due to the Pacific Council on July 31, 2013, and proposals received after this date will not be considered. The conference call will also be used to prepare for upcoming EFHRC tasks to (1) produce an informational report for the September Pacific Council meeting, summarizing the number and content of proposals; and (2) produce a report and recommendations for the Pacific Council's November meeting.

Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the EFHRC's intent to take final action to address the emergency.

Special Accommodations

This listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, at (503) 820–2280, at least 5 days prior to the meeting date.

Dated: July 17, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–17480 Filed 7–19–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA216

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Space Vehicle and Missile Launch Operations at Kodiak Launch Complex, Alaska

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

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the Alaska Aerospace Corporation (AAC) to take two species of pinnipeds incidental to space vehicle and missile launch operations at the Kodiak Launch Complex (KLC) in Kodiak, Alaska.

DATES: Effective from August 1, 2013, through July 31, 2014.

ADDRESSES: The LOA and supporting documentation are available for review on the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.* Documents cited in this notice may also be viewed, by appointment, during regular business hours at the following address: Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225.

FOR FURTHER INFORMATION CONTACT: Michelle Magliocca, Office of Protected Resources, NMFS, 301–427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued. Under the MMPA, the term ''take'' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill marine mammals.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the identified species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth in the regulations. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Regulations governing the taking of Steller sea lions (*Eumetopias jubatus*), by harassment, and harbor seals (*Phoca vitulina*) (adults by harassment and pups by injury or mortality), incidental to space vehicle and missile launch operations at the KLC, were issued on March 22, 2011 (76 FR 16311, March 23, 2011), and remain in effect until March 21, 2016. For detailed information on the action, please refer to that document. The regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during space vehicle and missile launch operations at the KLC.

Summary of Request

On July 1, 2013, NMFS received a request from the AAC for renewal of an LOA issued on April 30, 2012, authorizing the take of marine mammals incidental to a maximum of 12 space launch vehicles, long-range ballistic target missiles, and other smaller missile systems at the KLC. The AAC has complied with the measures required in 50 CFR 217.70–75, as well as the associated 2012–2013 LOA, and submitted the reports and other documentation required by the final rule and the 2012–2013 LOA.

Summary of Activity Under the 2012–2013 LOA

As described in the AAC's 2012–2013 annual report, launch activities conducted at the KLC were within the scope and amounts authorized by the 2012–2013 LOA and the levels of take remain within the scope and amounts contemplated by the final rule. Zero launches occurred at the KLC under the 2012–2013 LOA.

Planned Activities and Estimated Take for 2013–2014

In 2013–2014, the AAC expects to conduct the same type and amount of launches identified in the 2012–2013 LOA. Similarly, the authorized take will remain within the annual estimates analyzed in the final rule.

Summary of Monitoring and Reporting Under the 2012–2013 LOA

The AAC submitted their annual monitoring report within the required timeframe and the report is posted on NMFS Web site: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.* NMFS has reviewed the report and it contains the information required by the 2012–2013 LOA. The AAC's monitoring activities included three quarterly aerial surveys on July 8, 2012, October 20, 2012, and March 16, 2013. The results from these surveys were typical and showed 747–975 harbor seals and no Steller sea lions.

Authorization

The AAC complied with the requirements of the 2012–2013 LOA. Based on our review of the record,

NMFS has determined that the marine mammal take resulting from the 2012–2013 launch operations falls within the levels previously anticipated, analyzed, and authorized. The record supports NMFS' conclusion that the number of marine mammals taken by the 2013–2014 launch operations will have no more than a negligible impact on the affected species or stock of marine mammals and will not have an unmitigable adverse impact on the availability of these species or stocks for taking for subsistence uses. Accordingly, NMFS has issued a 1-year LOA for launch operations conducted at the KLC from August 1, 2013, through July 31, 2014.

Dated: July 16, 2013.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–17403 Filed 7–19–13; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), 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 requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed renewal of the Grantee Progress Report (GPR). All AmeriCorps grantees are required to complete the GPR, which is due in October, and to complete an abbreviated mid-year GPR due in April. The GPR provides information for CNCS staff to monitor grantee progress and to respond to requests from Congress and other stakeholders.

Copies of the information collection request can be obtained by contacting the office listed in the Addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 20, 2013.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, AmeriCorps State and National, Attention Carla Ganiel, Senior Program and Project Specialist, Room 9517E, 1201 New York Avenue NW., Washington, DC, 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) By fax to: (202) 606–3476, Attention: Carla Ganiel, Senior Program and Project Specialist.

(4) Electronically through *www.regulations.gov*.

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Carla Ganiel, (202) 606–6773, or by email at *cganiel@cns.gov*.

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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 expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background

All AmeriCorps State and National grantees complete the GPR and mid-year GPR, which provides information for CNCS staff to monitor grantee progress and to respond to requests from Congress and other stakeholders. The information is collected electronically through the eGrants system.

Current Action

CNCS seeks to renew the current information collection. In 2013, AmeriCorps State and National developed a new eGrants module to collect performance measurement information during the application process. The GPR and mid-year GPR have been revised to collect information that is consistent with the new application module. In 2013, new and recompete applicants used the new module, but continuation applicants did not. Therefore, new and recompete grantees will complete the new GPR, while continuation grantees complete the existing GPR and mid-year GPR. The existing GPR and mid-year GPR have also been revised for clarity and consistency with the new GPR instructions.

The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on October 31, 2014.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Grantee Progress Report.

OMB Number: 3045–0101.

Agency Number: None.

Affected Public: AmeriCorps State and National grantees.

Total Respondents: 154.

Frequency: Biannual.

Average Time per Response: 9 hours per submission.

Estimated Total Burden Hours: 2,772.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

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 will also become a matter of public record.

Dated: July 16, 2013.

Bill Basl,

Director, AmeriCorps State and National.

[FR Doc. 2013–17502 Filed 7–19–13; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), 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. Sec. 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 requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed renewal of the President's Higher Education Community Service Honor Roll. The President's Higher Education Community Service Honor Roll recognizes higher education institutions that reflect the values of exemplary community service and achieve meaningful outcomes in their communities. The Honor Roll is part of the Corporation for National and Community Service's strategic commitment to engage millions of college students in service and celebrate the critical role of higher education in strengthening communities. This information collection does not result in grant funding from the Corporation for National and Community Service or other federal agencies.

Copies of the information collection request can be obtained by contacting the office listed in the Addresses section of this notice.

DATES: September 20, 2013.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, President's Higher Education Community Service Honor Roll. Attention: Robert Bisi, Senior Marketing Specialist, Room #10304C, 1201 New York Avenue NW., Washington, DC, 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) *By fax to:* (202) 606–3460 Attention: Robert Bisi

(4) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert Bisi, (202) 606–6638 or via email *rbisi@cns.gov.*

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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 expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background

The information collected is provided electronically by accredited institutions of higher education through the application Web site of the President's Higher Education Community Service Honor Roll

Current Action

CNCS seeks to revise the current information collection. The revised collection consists of questions not only related to general community service, but also community service that relates to education, economic opportunity, and interfaith community service.

The information collection will otherwise be used in the same manner as the existing application. The current application is due to expire on September 30, 2013 and may not be used for a 2014 application.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: President's Higher Education Community Service Honor Roll.

OMB Number: 3045–0120.

Agency Number: None.

Affected Public: The affected publics are accredited institutions of higher education.

Total Respondents: 4,500.

Frequency: Annual.

Average Time per Response: Averages 1 Hour.

Estimated Total Burden Hours: 4,500.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

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 will also become a matter of public record.

Dated: July 16, 2013.

Ted Miller,

Chief of External Affairs.

[FR Doc. 2013–17504 Filed 7–19–13; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0165]

Proposed Collection; Comment Request

AGENCY: Defense Security Service, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Defense Security Service (DSS) announces a proposed new public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 20, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, 2nd Floor, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number, and title for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to: Defense Security Service, Industrial Operations, ATTN: Sarah Laylo, 27130 Telegraph Road, Quantico, VA 22134–2253 or call (571) 305–6625.

Title, Associated Form, and OMB Number: Technology and Contract Information Survey; OMB Control Number: 0704–TBD.

Needs and Uses: Executive Order 12829, ''National Industrial Security Program (NISP)'', (January 6, 1993, as amended), established the NISP, the purpose of which is to ''safeguard classified information that may be released or has been released to current, prospective, or former contractors, licensees, or grantees of United States agencies.'' Pursuant to paragraph 202(a) of the Executive Order, the Secretary of Defense serves as the ''executive agent for inspecting and monitoring the contractors, licensees, and grantees who require or will require access to, or who store, or will store, classified information; and for determining the eligibility for access to classified information of contractors, licensees, and grantees and their respective employees.''

The DSS Director has been assigned specific responsibility for administering the NISP on behalf of DoD components and those Executive Branch departments and agencies that have entered into agreements with the Secretary of Defense for industrial security services required for safeguarding classified information disclosed to industry by these DoD components and Executive Branch departments or agencies (collectively referred to hereafter as Government Contracting Activities (GCAs). (See DoD Directive 5105.42, ''Defense Security Service,'' and DoD Instruction 5220.22, ''National Industrial Security Program.''

DSS carries out its NISP administration mission in part by assessing the security posture of cleared contractor facilities in order to determine if the cleared facilities are complying with the provisions of the National Industrial Security Program Operating Manual (NISPOM) and by verifying that cleared contractors mitigate and ensuring identified security vulnerabilities.

This public information collection is focused on strengthening DSS analysis of threats to classified information and cleared personnel at cleared contractor facilities by ensuring the accuracy of contract, technology, program, and facility data in the DSS Industrial Security Facilities Database (ISFD). DSS will be able to more effectively and efficiently perform its NISP administration mission if DSS can analyze accurate information in ISFD. In turn, this will allow DSS to better tailor vulnerability assessments and other products and support for cleared facilities.

Responding to this public information collection is voluntary. This collection of information does not seek classified information or trade secrets. Respondents will be requested to state whether any information provided in response to this information collection is privileged or confidential commercial or financial information.

Affected Public: Business or other for-profit and non-profit organizations participating in the NISP and who are under the security cognizance of DSS.

Annual Burden Hours: 4,514

Number of Respondents: 13,541

Responses per Respondent: 1

Average Burden Hours per Response: 20 minutes

Frequency: Occasionally.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection:

This collection of information requests the Facility Security Officer or Senior Management Official at each of the 13,541 cleared facilities operating under the NISP to provide information about the facility; the number of cleared personnel at the facility; the facility's contracts requiring access to classified information; and technology supporting those contracts. DSS will maintain the information provided in response to this collection of information in the DSS ISFD for internal use in connection with performing missions assigned to DSS. One information collection effort will be conducted initially. After the initial survey, DSS will query facilities individually on a yearly or biennial basis, prior to annual vulnerability assessments, so that accurate information is continually maintained in ISFD. Responses to the collection are strictly voluntary. The objective of this initiative is to establish accurate and current information in ISFD. This is a new survey that has not been implemented in the past. All of the collection questions are uniform and this collection of information is unique to the type of product or service that is being requested. Information technology has been identified as appropriate for the purposes of this collection. DSS will send an email invitation to complete the web-based survey instrument directly to a designated point of contact for each cleared facility operating under the NISP. The email invitation will include a secure link to access and complete the online information collection. DSS will be the user of the data collected from the Technology and Contract Information Survey.

Dated: July 17, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–17499 Filed 7–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0129]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Defense Finance and Accounting Service announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use

of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 20, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services-Indianapolis, DFAS–ZPR, 8899 E. 56th St., Indianapolis, IN 46249, ATTN: Ms. La Zaleus D. Leach, *LaZaleus.Leach@DFAS.MIL,* 317–212–6032.

Title, Associated Form, and OMB Number: Waiver/Remission of Indebtedness Application, DD Form 2789; OMB License Number 0730–0009.

Needs and Uses: The information collection requirement is used by current or former DoD civilian employees or military members to request waiver or remission of an indebtedness owed to the Department of Defense. Under 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, certain debts arising out of erroneous payments may be waived. Under 10 U.S.C. 4837, 10 U.S.C. 6161, and 10 U.S.C. 9837, certain debts may be remitted. Information obtained through this form is used in adjudicating the request for waiver or remission.

Affected Public: Individuals.

Annual Burden Hours: 13,950 hours.

Number of Respondents: 6200.

Responses per Respondent: 1.

Average Burden per Response: 2.25 hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The referenced United States Code sections on waivers provide for an avenue of relief for individuals who owe debts to the United States, which resulted from erroneous payments. Criteria for waiver of a debt includes a determination that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the individual owing the debt or any other person interested in obtaining a waiver. Information obtained through the proposed collection is needed in order to adjudicate the waiver request under the law.

Dated: July 17, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–17488 Filed 7–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the National Commission on the Structure of the Air Force

AGENCY: Director of Administration and Management, DoD.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense (DoD) announces that the following Federal advisory committee meeting of the National Commission on the Structure of the Air Force (''the Commission'') will take place.

DATES: *Date of Open Meeting, including Hearing and Commission Discussion:* Tuesday, July 30, 2013, from 1:00 p.m. to 5:00 p.m. Registration will begin at 12:30 p.m.

ADDRESSES: The Ohio Statehouse is located at: 1 Capitol Square, North Hearing Room, (Located on the 2nd Floor of the Senate Building), Columbus, Ohio 43215. Enter through the underground parking garage, from State Street, South Third Street, or East Broad Street.

FOR FURTHER INFORMATION CONTACT: Mrs. Marcia Moore, Designated Federal Officer, National Commission on the Structure of the Air Force, 1950 Defense Pentagon, Room 3A874, Washington, DC 20301–1950. Email: *dfoafstrucomm@osd.mil.* Desk (703) 545–9113. Facsimile (703) 692–5625.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: The members of the Commission will hear testimony from individual witnesses and then will discuss the information presented at the hearings.

Agenda

On July 29, 2013 and July 31, 2013, a subset of members from the Commission will tour Wright-Patterson Air Force Base and Ohio Air National Guard Wings at Rickenbacker Air National Guard Base, Springfield Air National Guard Base, and Mansfield Lahm Air National Guard Base.

The hearing and meeting on July 30, 2013 includes representatives from the Ohio Governor's office and local U.S. Air Force and Ohio National Guard leadership who have been asked to testify and address the evaluation factors under consideration by the Commission for a U.S. Air Force structure that—(a) meets current and anticipated requirements of the combatant commands; (b) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each; (c) ensures that the regular and reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States; (d) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited; (e) maintains a peacetime rotation force to support operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and (f) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness. Individual Commissioners will also report their activities, information collection, and analyses to the full Commission.

Meeting Notification: Due to difficulties finalizing the meeting agenda for the National Commission on the Structure of the Air Force's meeting of July 30, 2013, the requirements of 41 CFR 102–3.150(a) were not met. Accordingly, the Advisory Committee Management Officer for the Department

of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Meeting Accessibility

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and the availability of space, the meeting is open to the public. The building is fully handicap accessible. Several public parking facilities are nearby. Photography and videography is permitted, but must be previously arranged through the Ohio State House Media Division. More information about the facility can be obtained at *http://www.ohiostatehouse.org*.

Written Comments

Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the open meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements. Written comments should be submitted to Mrs. Marcia Moore, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. All contact information may be found in the **FOR FURTHER INFORMATION CONTACT** section.

Oral Comments

In addition to written statements, one hour will be reserved for individuals or interested groups to address the Commission on July 30, 2013. Interested oral commenters must summarize their oral statement in writing and submit with their registration. The Commission's staff will assign time to oral commenters at the meeting, for no more than 5 minutes each. While requests to make an oral presentation to the Commission will be honored on a first come, first served basis, other opportunities for oral comments will be provided at future meetings.

Registration

Individuals who wish to attend the public hearing and meeting on Tuesday, July 30, 2013 are encouraged to register for the event in advance with the Designated Federal Officer, using the electronic mail and facsimile contact information found in **FOR FURTHER INFORMATION CONTACT**. The communication should include the registrant's full name, title, affiliation or employer, email address, and daytime phone number. If applicable, include written comments and a request to speak during the oral comment session. (Oral comment requests must be accompanied by a summary of your presentation.) Registrations and written comments must be typed.

Background

The National Commission on the Structure of the Air Force was established by the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239). The Department of Defense sponsor for the Commission is the Director of Administration and Management, Office of the Secretary of Defense. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2014 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the U.S. Air Force will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the U.S. Air Force in a manner consistent with available resources.

Dated: July 17, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–17529 Filed 7–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0136]

Privacy Act of 1974; System of Records

AGENCY: Defense Information Systems Agency, DoD.

ACTION: Notice to delete a System of Records notice.

SUMMARY: The Defense Information Systems Agency is deleting a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on August 22, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 21, 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: Jeanette Weathers-Jenkins, 6916 Cooper Avenue, Fort Meade, MD 20755–7901, or (301) 225–8158.

SUPPLEMENTARY INFORMATION: The Defense Information Systems Agency 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 Web site at *http://dpclo.defense.gov/privacy/SORNs/component/disa/index.html.*

The proposed deletion 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 17, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETION:

K700.01, Employee-Management Relations and Services File (August 9, 1993, 58 FR 42302).

REASON:

Based on a recent review of the system of records notice K700.01, Employee-Management Relations and Services File, it has been determined that it is covered by the Government wide system of records notice OPM/Govt-3, Records of Adverse Actions, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers (June 19, 2006, 71 FR 35294); and therefore can be deleted. The Government-wide notice can be found at *http://dpclo.defense.gov/*

privacy/SORNs/govt/Gov_Wide_Notices.htm3.

[FR Doc. 2013–17487 Filed 7–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0137]

Privacy Act of 1974; System of Records

AGENCY: National Geospatial-Intelligence Agency, DoD.

ACTION: Notice to delete seven Systems of Records.

SUMMARY: The National Geospatial-Intelligence Agency is deleting seven systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. B0502–03, B1211–03, B0502–15, B0303–5, B0614–01, B0504–01–2, and B0503–02 are being deleted for the reasons set forth in this notice.

DATES: This proposed action will be effective on August 22, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 21, 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: NGA Privacy Office, National Geospatial-Intelligence Agency, 7500 GEOINT Drive, Springfield, VA 22150.

SUPPLEMENTARY INFORMATION: The National Geospatial-Intelligence Agency 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 at *http://dpclo.defense.gov/privacy/SORNs/component/ngia/index.html.*

The proposed deletions are 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 16, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETIONS:

B0502–03, Master Billet/Access Records (March 19, 2002, 67 FR 12532).

REASON:

This system was originally established to identify and verify personnel authorized access to SCI in order to control access to secure areas for use of classified information, for periodic re-indoctrination (re-briefing) of employees for SCI access, for periodic security education and training, and for control and reissue of identification badges. Because the stand-alone system no longer exists, records in that system are now covered under NGA–003, National Geospatial-Intelligence Agency Enterprise Workforce System (May 24, 2013, 78 FR 31526); therefore, B0502–03, Master Billet/Access Records can be deleted.

B1211–03, Passport and Visa Files (January 18, 2002, 67 FR 2639).

REASON:

This system was originally established to issue passports and visas to agency personnel and their dependents for official government travel and to obtain necessary visas from appropriate embassies. Because the stand-alone system no longer exists, records in that system are now covered under NGA–003, National Geospatial-Intelligence Agency Enterprise Workforce System (May 24, 2013, 78 FR 31526); therefore, B1211–03, Passport and Visa Files can be deleted.

B0502–15, Security Compromise Case Files (March 19, 2002, 67 FR 12532).

REASON:

This system was originally established to protect records relating to investigations conducted into alleged and/or actual security violations by Security Office personnel and appointed investigating officials. Because the stand-alone system no longer exists, records in that system are now covered under NGA–003, National Geospatial-Intelligence Agency Enterprise Workforce System (May 24, 2013, 78 FR 31526); therefore, B0502–15, Security Compromise Case Files can be deleted.

B0303–5, Leave Record Files (February 22, 1993, 58 FR 10189).

REASON:

This system was originally established to record official annual accumulation and use of employees' leave. Because the stand-alone system no longer exists, the records are now covered under NGA–003, National Geospatial-Intelligence Agency Enterprise Workforce System (May 24, 2013, 78 FR 31526); therefore, B0303–5, Leave Record Files can be deleted.

B0614–01, Military Personnel Information Files (March 19, 2002, 67 FR 12532).

REASON:

This system was originally established to determine the acceptability of an individual nominated by the parent service for an agency position, to be used in the preparation of efficiency/fitness/effectiveness reports, award recommendations, and other personnel actions. Because the stand-alone system no longer exists, records in that system are now covered under NGA–003, National Geospatial-Intelligence Agency Enterprise Workforce System (May 24, 2013, 78 FR 31526); therefore, B0614–01, Military Personnel Information Files can be deleted.

B0504–01–2, Personnel Security and Suitability Files (December 2, 1994, 59 FR 61885).

REASON:

This system was originally established to maintain up-to-date personnel security and suitability information for civilians, military and applicant personnel who require access to classified information, to determine and ensure continued eligibility for access to classified information. Because the overall purpose of the system has changed, records in that system are now covered under NGA–003, National Geospatial-Intelligence Agency Enterprise Workforce System (May 24, 2013, 78 FR 31526); therefore, B0504–01–2, Personnel Security and Suitability Files can be deleted.

B0503–02, Security Identification Accountability Files (March 19, 2002, 67 FR 12532).

REASON:

This system was originally established to maintain accountability for various identification cards/badges issues and identify to whom issued. Because the stand-alone system no longer exists, records in that system are now covered under NGA–003, National Geospatial-Intelligence Agency

Enterprise Workforce System (May 24, 2013, 78 FR 31526); therefore, B0503–02, Security Identification Accountability Files can be deleted.

[FR Doc. 2013–17457 Filed 7–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0115]

Privacy Act of 1974; System of Records; Correction

AGENCY: National Geospatial-Intelligence Agency, DoD.

ACTION: Notice to alter a System of Records; correction.

SUMMARY: On June 13, 2013 (78 FR 35606–35607), DoD published a notice altering a Privacy Act System of Records notice (NGA–013, National Geospatial-Intelligence Agency (NGA) Inspector General Investigative and Complaint Files). Subsequent to the publication of that notice, DoD discovered that the ''Routine uses of records maintained in the system, including categories of uses and the purposes for such uses'' paragraphs were not included. This notice corrects that omission.

FOR FURTHER INFORMATION CONTACT: National Geospatial-Intelligence Agency (NGA), ATTN: Security Specialist, Mission Support, MSRS P–12, 7500 GEOINT Drive, Springfield, VA 22150.

SUPPLEMENTARY INFORMATION: The National Geospatial-Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Web site at *http://dpclo.defense.gov/privacy/SORNs/component/ngia/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 May 17, 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 16, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NGA–013

SYSTEM NAME:

National Geospatial-Intelligence Agency (NGA) Inspector General Investigative and Complaint Files.

On June 13, 2013 (78 FR 35606–35607), DoD published a notice altering a Privacy Act System of Records notice (NGA–013, National Geospatial-Intelligence Agency (NGA) Inspector General Investigative and Complaint Files). Subsequent to the publication of that notice, DoD discovered that a new routine use was omitted. On page 35607, in the first column, immediately following the Purpose(s) paragraph, insert the following paragraphs to read as follows:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES FOR 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 may be specifically disclosed outside of the DoD as a routine use pursuant to 5 U.S.C. a(b)(3) as follows:

The DoD Blanket Routine Uses that appear at the beginning of NGA's compilation of systems of records notices may apply to this system.

NGA may share information contained in this system with U.S. intelligence agencies related to investigations, criminal activity or evidence of waste, fraud and abuse.''

* * * * *

[FR Doc. 2013–17409 Filed 7–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; U.S. Army Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Whittier Narrows Dam Safety Modification Study Report

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, Los Angeles District (Corps) intends to prepare an Environmental Impact Statement (EIS) for the Whittier Narrows Dam Safety Modification Study (DSMS). Whittier Narrows Dam is located approximately 12 miles east of downtown Los Angeles, Los Angeles County, CA. The DSMS will evaluate alternatives to remediate safety concerns such as dam settling, seismic damages, and seepage. The DSMS will identify risk reduction measures that would be implemented to reduce life loss and property damage downstream in the event of a dam failure.

SUPPLEMENTARY INFORMATION:

1. *Background Information.* Construction of Whittier Narrows Dam was completed in 1957 as an integral component of the Los Angeles County Drainage Area system of dams and channelized rivers authorized by Congress in the Flood Control Act of 1936. After almost 60 years of settlement and damage from seismic events, the Corps has determined that the Whittier Narrows Dam has a high risk of failure due to significant seismic, seepage, and hydrologic issues. The DSMS and EIS would identify and evaluate alternatives to remedy these deficiencies. In the interim, the Corps has implemented several measures including: emergency management preparedness, remote monitoring, increased inspections, pre-positioning of materials for flood fighting, and updated flood mapping.

2. *Preliminary Alternatives.* The DSMS and EIS will identify and evaluate an array of remediation alternatives including: (1) Raising the crest elevation of the dam by 5 feet with a 5 foot high parapet wall on top of the crest; (2) constructing a weir in the embankment to allow smaller flood events to flow over the weir; (3) placing a fuseplug by taking out a section of the embankment and filling it with a concrete wall that would break at a lower elevation of water; and (4) removing sediment and deepening Santa Fe Dam Basin which is located upstream of the Whittier Narrows Dam to increase upstream holding capacity.

3. *Preliminary NEPA Scope of Analysis.* The EIS will also evaluate the impacts of alternatives on environmental resources. Resources initially identified in the NEPA scope of analysis as potentially significant without implementation of mitigation measures include, but are not limited to: water quality, noise and vibration, air quality, socioeconomics and environmental justice, land use, recreation, visual and aesthetic resources, traffic and transportation, historical and cultural resources, vegetation and wildlife, and special status species.

4. *NEPA Scoping Meeting:* A public scoping meeting is preliminarily

scheduled to be held in September 2013. The Corps will notify the public through local newspapers in advance of the meeting.

For Additional Information Contact: Questions or comments regarding the Whittier Narrows Dam DSMS, including requests to be placed on the mailing list may be submitted by mail to Ms. Deborah Lamb, U.S. Army Corps of Engineers, Los Angeles District, CESPL–PD–RL, 915 Wilshire Blvd., Los Angeles, CA 90017–3401; or by email to *Deborah.L.Lamb@usace.army.mil*.

DATES: Submit NEPA scoping comments on or before 31 August 2013.

Dated: July 3, 2013.

R. Mark Toy,

Colonel, US Army, Commander and District Engineer, Los Angeles District.

[FR Doc. 2013–17489 Filed 7–19–13; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID USN–2013–0025]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to delete a System of Records.

SUMMARY: The Department of the Navy is deleting a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on August 22, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 21, 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, FOIA/Privacy Act Policy Branch, 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 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 *http://dpclo.defense.gov/privacy/SORNs/component/navy/index.html.* The proposed deletion 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 17, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion:
N05760–1

Biographical and Service Record Sketches of Chaplains (February 22, 1993, 58 FR 10768).

REASON:

The Department of the Navy (DON) has determined that no records are being collected or maintained in the Biographical and Service Record Sketches of Chaplains. All data previously collected and maintained in this system has been destroyed in accordance with the NARA approved records retention and the DON Records Management Manual. Therefore, N05760–1, Biographical and Service Record Sketches of Chaplains can be deleted.

[FR Doc. 2013–17485 Filed 7–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0069]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NCES Cognitive, Pilot, and Field Test Studies System

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES) Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 21, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0069 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: NCES Cognitive, Pilot, and Field Test Studies System.

OMB Control Number: 1850–0803.

Type of Review: Extension without change of an existing collection of information.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 135,000.

Total Estimated Number of Annual Burden Hours: 27,000.

Abstract: This is a request for a 3-year renewal of the generic clearance to allow the National Center for Education Statistics (NCES) to continue to develop, test, and improve its survey and assessment instruments and methodologies. The procedures utilized to this effect include but are not limited to experiments with levels of incentives for various types of survey operations, focus groups, cognitive laboratory activities, pilot testing, exploratory interviews, experiments with questionnaire design, and usability testing of electronic data collection instruments.

Dated: July 17, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–17509 Filed 7–19–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Availability

Hydrogen Energy California's Integrated Gasification Combined Cycle Project; Preliminary Staff Assessment and Draft Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of availability and public hearing.

SUMMARY: The U.S. Department of Energy (DOE) announces the availability of the *Hydrogen Energy California's Integrated Gasification Combined Cycle Project Preliminary Staff Assessment/Draft Environmental Impact Statement* (PSA/DEIS) (DOE/EIS–0431D) for public review and comment. This document is the draft environmental impact statement for DOE's purpose of complying with the National Environmental Policy Act. This document is also the Preliminary Staff Assessment for the California Energy Commission's (CEC) purpose of complying with the California Environmental Quality Act (CEQA). This combined document is hereafter referred to as the Preliminary Staff Assessment/Draft Environmental Impact Statement (PSA/DEIS). The PSA/DEIS analyzes the potential environmental impacts associated with the Hydrogen Energy California's (HECA) Integrated Gasification Combined Cycle Project, which would be designed, constructed, and operated by HECA, LLC. HECA's proposal was selected by DOE for financial assistance under the Clean Coal Power Initiative (CCPI) Program.

The PSA/DEIS was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), the Council on Environmental Quality (CEQ) regulations that implement the procedural provisions of NEPA (40 CFR Parts 1500–1508), DOE's procedures for compliance with floodplain and wetland review requirements (10 CFR Part 1022), and DOE's procedures implementing NEPA (10 CFR Part 1021). DOE's proposed action is subject to the Clean Air Act's General Conformity rule (GCR) set forth in section 176(c) of the Act and 40 CFR Part 93. DOE's *Draft General Conformity Analysis* is incorporated into the PSA/DEIS. DOE is coordinating its compliance with the GCR requirements for public participation in 40 CFR 93.156 with the public comment period for the PSA/DEIS.

DATES: DOE invites the public to comment on the PSA/DEIS during the public comment period, which ends September 3, 2013. DOE will consider all comments postmarked or received during the public comment period in preparing the final EIS and will consider late comments to the extent practicable.

DOE and CEC will hold a public hearing(s) during the public comment period. The date(s), time(s), and location(s) of these public hearings will be published in *The Bakersfield Californian* at least 14 days prior to the hearing(s). This information will also be posted on CEC's Web site at *http://www.energy.ca.gov/sitingcases/hydrogen_energy/.*

ADDRESSES: Requests for a paper copy or information about this PSA/DEIS should be directed to: Mr. Fred Pozzuto, U.S. Department of Energy, National Energy Technology Laboratory, 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507–0880. Additional information may also be requested by electronic mail: *fred.pozzuto@netl.doe.gov* or by telephone at (304) 285–5219, or toll-free at: 1-(800)-432–8330, extension 5219. The PSA/DEIS may be viewed at *http://www.energy.gov/nepa.* Copies of the PSA/DEIS are also available for review at the locations listed in the **SUPPLEMENTARY INFORMATION** section of this Notice.

Written comments on the PSA/DEIS can be mailed or sent electronically to Mr. Pozzuto at the addresses noted above. Comments may also be submitted by fax to: (304) 285–4403. Oral comments on the PSA/DEIS will be accepted during the public hearing(s).

FOR FURTHER INFORMATION CONTACT: For further information on the proposed project, please contact Mr. Pozzuto (see **ADDRESSES**). For general information regarding DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0103; telephone: (202)–586–4600.

SUPPLEMENTARY INFORMATION: DOE proposes to provide limited financial assistance through a cooperative agreement to HECA, LLC. Approximately $275 million would be provided through the American Recovery and Reinvestment Act (ARRA) and $133 million through the Clean Coal Power Initiative (CCPI) program for a total Federal share of approximately $408 million. Total project cost is estimated to be over $4 billion.

The HECA project would demonstrate integrated gasification combined cycle (IGCC) and carbon capture technology on a commercial-scale in a new power plant. The power plant would consist of a single gasifier with gas cleanup systems, a gas combustion turbine, a heat recovery steam generator, a steam turbine, and associated facilities.

The IGCC technology would turn a fuel blend consisting of 75 percent western sub-bituminous coal and 25 percent petroleum coke (petcoke) into a synthesis gas (syngas). The facility would gasify the fuel blend to produce hydrogen-rich syngas which would be used to generate electricity in a combined cycle power block; manufacture nitrogen-based products in an integrated fertilizer manufacturing complex; and capture and transport carbon dioxide (CO2) via pipeline to a neighboring oil field for enhanced oil recovery (EOR) and sequestration. At full capacity, the plant is expected to use about 4,600 short tons of coal and about 1,140 short tons of petcoke per day.

The combined power block consists of gas combustion and steam turbines that would have the capacity to generate 416-megawatts (gross) of low-carbon electricity. This combined-cycle approach of using gas and steam turbines in tandem increases the

amount of electricity that can be generated from the feedstock. Because of its multiple production capabilities, the plant is referred to as a poly-generation (or polygen) plant. The project could generate urea, ammonia, and perhaps other nitrogenous compounds for sale. The project's urea production unit would use pastillation technology, which converts urea melt into high-quality urea pellets.

The polygen plant would be built on 453-acres of the 1,106-acre site in south-central California near the unincorporated community of Tupman, located approximately 17-miles west of the city of Bakersfield. The site and surrounding areas are currently used for agricultural purposes, including cultivation of cotton, alfalfa, and onions. HECA would design and construct the plant to capture approximately 90 percent of the CO_2, equivalent to approximately 3.4 million tons per year. During the demonstration phase of the plant's operations, the project would sequester about 2.6 million tons of CO_2 per year in EOR operations. The compressed CO_2 would be transported approximately 4-miles via a new 12-inch diameter pipeline to the existing Elk Hills oil field for use in EOR operations by a third-party buyer. The oil field is majority owned and operated by Occidental of Elk Hills which would be responsible for the EOR operation. Approximately 0.4 million tons per year of CO_2 would be utilized in fertilizer production. Following the demonstration phase, the polygen plant would continue commercial operation for 30 to 50 years and would continue to capture its CO_2 for EOR.

The PSA/DEIS evaluates the potential impacts of the proposed project, connected actions (EOR, utility, rail spur), and reasonable alternatives. The PSA/DEIS includes an assessment of impacts to wetlands in accordance with DOE regulations for Compliance with Floodplains and Wetlands Environmental Review Requirements (10 CFR Part 1022) and the Draft General Conformity Analysis required under the Clean Air Act.

DOE analyzed two alternatives in the draft PSA/DEIS: the Proposed Action and the No Action Alternative. Under the Proposed Action, DOE would provide approximately $408 million in cost-shared funding under the CCPI program to the proposed project. Under the No Action Alternative, DOE would not continue funding the proposed project. DOE assumes that the project would not proceed without DOE funding. This option would not contribute to the goal of the CCPI program, which is to accelerate commercial deployment of advanced coal technologies that provide the United States with clean, reliable, and affordable energy. As required by NEPA, DOE analyzes this option as the No Action Alternative in order to have a meaningful comparison between the impacts of DOE providing financial assistance and withholding that assistance. DOE recognizes that it is possible for the project to proceed without DOE funding. However, for purposes of this draft PSA/DEIS, DOE assumes that the project would not be built under the No Action Alternative.

The PSA/DEIS considers the environmental consequences that may result from the proposed project and describes additional mitigation that might be used to reduce various impacts.

Availability of the PSA/DEIS: Copies of the PSA/DEIS have been distributed to Members of Congress; Native American tribal governments; federal, state, and local officials; and agencies, organizations, and individuals who previously requested a copy. The PSA/DEIS is available on the Internet at *http://www.energy.gov/nepa* or on the CEC electronic docket site at *http://www.energy.ca.gov/sitingcases/hydrogen_energy/.* Copies of the PSA/DEIS are available for public review at the following locations: Beale Memorial Library, 701 Truxtun Avenue, Bakersfield, CA 93301; Holloway-Gonzales Branch Library, 506 E. Brundage Lane, Bakersfield, CA 93307; and Southwest Memorial Library, 8301 Ming Avenue, Bakersfield, CA 93301. Additional copies can also be requested (see **ADDRESSES**).

Public Hearing: DOE and CEC will hold a public hearing(s) during the public comment period. The date(s), time(s), and location(s) of these public hearings will be published in *The Bakersfield Californian* at least 14 days prior to the hearings. This information will also be posted on CEC's Web site at *http://www.energy.ca.gov/sitingcases/hydrogen_energy/.*

Dated: July 17, 2013.

Mark J. Matarrese,

Director, Office of Environment, Security, Safety & Health, Office of Fossil Energy.

[FR Doc. 2013–17507 Filed 7–19–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC13–13–000]

Commission Information Collection Activities (FERC–580); Comment Request

AGENCY: Federal Energy Regulatory Commission.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting the information collection, FERC Form No. 580 (Interrogatory on Fuel and Energy Purchase Practices), to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (78 FR 26766, 5/8/2013) requesting public comments. FERC received two comments on the FERC–580. FERC addresses these comments in this notice and in its submittal to OMB.

DATES: Comments on the collection of information are due by August 21, 2013.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0137, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. IC13–13–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp*.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: Interrogatory on Fuel and Energy Purchase Practices (FERC Form No. 580),

OMB Control No.: 1902–0137.[1]

Type of Request: Three-year approval of the FERC Form No. 580.

Abstract: FERC Form No. 580 is collected in even numbered years. The Public Utility Regulatory Policies Act (PURPA)[2] amended the Federal Power Act (FPA) and directed the Commission to make comprehensive biennial reviews of certain matters related to automatic adjustment clauses (AACs) in wholesale rate schedules used by public utilities subject to the Commission's jurisdiction. Specifically, the Commission is required to examine whether the clauses effectively provide the incentives for efficient use of resources and whether the clauses reflect only those costs that are either ''subject to periodic fluctuations'' or ''not susceptible to precise determinations'' in rate cases prior to the time the costs are incurred.

The Commission is also required to review the practices of each public utility under AACs ''to insure efficient use of resources under such clauses.''[3] In response to the PURPA directive, the Commission (Docket Number IN79–6–000) established an investigation. Beginning in 1982, the Commission collected ''Interrogatory on Fuel and Energy Purchase Practices'' data every other year.

In 2010, the Commission redesigned the form to collect the information electronically through use of a standard form. Based on filer comments in response to the new electronic form used in the 2010 and 2012 collections, FERC recommends the following changes to the form:

Question 1

—Repair the email field to eliminate error messages.

Question 2

—Add a column labeled ''Is this AAC a fuel adjustment clause?''

—Add a column labeled ''Tariff volume number containing''. This information will aid staff in locating AACs.

—Remove the column and, thus, the request for information titled:

○ ''Type/s of AAC''

○ ''Type of costs that were passed through the AAC—if fuel, state fuel type''

There has been an increasing number of AAC-related cost types. This field makes it difficult for Commission staff to repopulate the dropdowns for this column without additional OMB approval. The information otherwise gained from respondents supplying the information collected in these columns will not be lost. Staff will locate and recover the information from Commission rate filings by using the AAC identification information given by respondents in the first three columns of Question 2.

—Rename Question 2 columns as follows to correct typographical errors:

From	To
Identify service agreement within rate schedule containing AAC	Identify service schedule, if any, where the AAC is located within the rate schedule.
If rate schedule superseded or abandoned during 2012–2013	Was rate schedule superseded or abandoned during 2012–2013?

Additional changes to Question 2 table:

—Add a check box to enable the utility to indicate that it had no non-transmission related AACs during the reporting years, if the situation applies. This box, when checked, clearly indicates that there were no AACs to report.

—Add a ''Copy Row'' button to facilitate data entry.

We are further reducing the amount of information required for AACs that are not fuel adjustment clauses. Utilities with no fuel adjustment clauses only need to respond to questions 1 and 2. Utilities with a FAC will continue to complete the entire form.

Question 3

—Reword the question from:

From	To
If during the 2010 and 2011 period, the Utility had any contracts or agreements for the purchase of either energy or capacity under which all or any portion of the purchase costs were passed through the AAC, for each purchase provide the information requested in the table below. Provide the information separately for each reporting year 2010 and 2011. Do not report purchased power where none of the costs were recovered through an AAC.	If during the 2012–2013 period, the Utility had any contracts or agreements for the purchase of either energy or capacity under which all or any portion of the purchase costs were passed through a fuel adjustment clause (FAC), for each purchase from a PURPA Qualifying Facility (QF) or Independent Power Producer (IPP) provide the information requested in the non-shaded columns of the table below. Provide the information separately for each reporting year 2012 and 2013. Do not report purchased power where none of the costs were recovered through an FAC. For each purchase where costs were flowed through an FAC, fill-in the non-shaded columns and either "Only energy charges" or "The total cost of the purchase of economic power" columns, whichever apply.

The Commission is only interested in QF and IPP information here and not every power purchase contracts/agreement. The language will be similar to what was used in Form No. 580 interrogatories prior to 2010.

—Remove the request for information and thus the columns titled:

○ Was an after-the-fact comparison

[1] In the 60-day public notice the Commission indicated that the control number was 1902–0131. The number shown here is the correct number for this collection.

[2] Enacted November 8, 1978

[3] The review requirement is set forth in two paragraphs of Section 208 of PURPA, 49 Stat. 851; 16 U.S.C. 824d

made of actual avoided costs against the purchase costs?

○ Were purchases made on an hourly economic dispatch basis?

From the information provided in the 2010 and 2012 filings the Commission has found that it can fully evaluate regulatory compliance without this information.

Question 6

Change the question as follows:

From	To
For each fuel supply contract, where costs were subject to 18 CFR 35.14, (including informal agreements with *associated companies*), in force at any time during 2012 and/or 2013, of longer than one year in duration, provide the requested information. Report the data individually, for each contract, for each calendar year. [No response to any part of Question 6 for fuel oil no. 2 is necessary.] Report all fuels consumed for electric power generation and thermal energy associated with the production of electricity. Information for only coal, natural gas, and oil should be reported. Information for all fuels e.g. fossil fuels, wood chips), except Uranium, should be reported.	For each fuel supply contract, of longer than one year in duration, in force at any time during 2012 and/or 2013, where costs were subject to 18 CFR 35.14, (including informal agreements with *associated companies*), provide the requested information. Report the data individually for each contract for each calendar year. No response to any part of Question 6 for fuel oil no. 2 is necessary. Report all fuels consumed for electric power generation and thermal energy associated with the production of electricity. Information for only coal, natural gas, and oil should be reported.

—As with the request for transportation information that was eliminated in 2010, the Commission has found alternative information sources and analytical approaches sufficient to eliminate the request for fuels other than coal, natural gas and oil.

—Add a ''Copy Contract'' button.

Question 6a

—Add a column labeled ''Is contract evergreen?''.

—Add a column labeled ''Pipeline quality? (Y/N)''.

Question 6b

—Add a new column to the fuel quantity section labeled: ''Coal (x10^3 tons) not delivered by end of contract year.''

—Add a column labeled ''Pipeline quality? (Y/N)''.

Questions 7 and 8. There are no proposed changes.

Glossary: Define Evergreen contracts as follows: Evergreen contract: a contract that is renewed automatically or by notice from year to year until canceled by either party.

Access to the Revised Materials: A copy of the form, desk reference, and glossary are attached to this docket as part of the 60-day **Federal Register** notice issued by the Commission on May 2, 2013 but they are not included in the **Federal Register**.[4] Interested parties can see the form electronically as part of this notice in FERC's eLibrary (*http://www.ferc.gov/docs-filing/elibrary.asp*) by searching Docket No. IC13–13–000 and accessing the ''FILE LIST'' for the May 2 notice.

Interested parties may also request paper or electronic copies of the form and desk reference by contacting Ellen Brown, by telephone at (202) 502–8663, by fax at (202) 273–0873, or by email at *DataClearance@ferc.gov.*

Type of Respondents: Large FERC-jurisdictional electric public utilities.

Estimate of Annual Burden:[5] The Commission estimates the total Public Reporting Burden for this information collection as:

FERC FORM NO. 580 (IC13–13–000): INTERROGATORY ON FUEL AND ENERGY PURCHASE PRACTICES

	Number of respondents (A)	Number of responses per respondent (B)	Total number of responses (A) × (B) = (C)	Average burden hours per response (D)	Estimated total annual burden[6] (C) × (D)
Respondents with FACs	37	0.5	18.5	103	1,905.5
Respondents with AACs, but no FACs	10	0.5	5	20	100
Respondents with no AACs nor FACs	35	0.5	17.5	2	35
Total					2,040.5

Despite the changes to the Form 580, burden estimates per response for each entity will not change from previously approved amounts. The burden estimate may vary by utility depending on whether the utility has or does not have an automatic adjustment clause and depending on whether or not those utilities with adjustment clauses allow automatic adjustment of fuel cost.

The total estimated annual cost burden to respondents is $142,835. [2040.5 hours * $70/hour[7] = $142,835]

The estimated annual cost of filing the FERC Form 580 per response is $1,742. [$142,835 ÷ 82 responses = $1,742/response]

Public Comments and FERC Responses: Comments filed by the public in response to the FERC Form No. 580 **Federal Register** Notice of Information Collection and Request for Comments and FERC's response to those comments is provided below. For more detailed information regarding this collection of information, please see the Commission's submission at *http://www.reginfo.gov/public/do/PRAMain,* scroll to ''Currently under Review'', key in ''Federal Energy Regulatory

[4] The form attached to the 60-day notice is for illustrative purposes only and does not include all the interactive features of the actual form. For a copy of the actual form, please contact Ellen Brown as indicated in this notice.

[5] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 CFR 1320.3.

[6] The Form itself is only collected biennially but the data on the form is annual data. Therefore we maintain the convention of showing burden on an annual basis.

[7] FY2013 Estimated Average Hourly Cost per FERC FTE, including salary + benefits.

Commission'' and scroll to 1902–0137, ''Interrogatory on Fuel and Energy Purchase Practices''.

Question 6b Additional Data Requested

Southern Company Services, Inc. (SCS) requests clarification addressing why the Commission proposes to add a new column in Question 6b titled ''Coal ($x10^3$ tons) not delivered by end of contract year.'' SCS states that proper contextualization of annual variances between actual deliveries and contract quantities could impact confidential negotiations, and that it is commercially sensitive business information. Further, SCS states that the efficiencies gained by the other revisions proposed by the Commission are outweighed by the addition of this new column. SCS states that if the Commission deems that such inquiry is appropriate for Form 580, that the Commission provide more context around its intent in proposing such an addition.

FERC Response: The proposal to add the new column to Question 6b originated with the Form 580 filers. Their issue is that it is not possible in the current form, to report coal delivered in, for example, 2012 under a 2011 contract. Without the new column, the Commission would have no way of knowing that a delivered coal quantity less than its contract quantity was coal truly not delivered, and that it wasn't merely a typographical error in the form. Likewise, the Commission would assume all coal reported as delivered, was delivered during the contract year when it may not have been but was reported as delivered because there was no means provided in the form to report that it was not delivered. Not having the information that the column would provide, potentially results in assumptions leading to skewed data calculations. Further, coal contract amounts, delivery amounts, and shortage amounts have been determined by OMB for decades to be public information. In addition, the data requested in the new column are data routinely calculated by the utility and are readily available to enter into the form. Lastly, given the information that the Commission proposes to eliminate from the Form 580 for the 2014 reporting cycle, the reporting burden will not increase by adding this one column.

***De Minimis* Benchmarks**

Pacific Gas and Electric Company (PG&E) requests *de minimis* benchmarks from the Commission so that filers will know whether they are required or not to answer a question in the form without filing for a waiver.

FERC response: In some cases, the Commission has found it unnecessarily burdensome for utilities to answer a particular question based on the information gained from doing so. Not surprisingly, the *de minimis* determination requires a case-specific analysis using a utility-by-utility approach. Any utility that believes that its burden is not worth the information that the Commission would gain is welcome to request a waiver and in doing so provide detailed case-specific information supporting its claim. This has been the procedure used in prior years by the Commission and is approved by OMB.

''Type of Request''

PG&E also requests clarification of the term ''Type of Request'' stated at page 2 of FERC's Notice.

FERC response: OMB requires approval/renewal of approvals of all collections of information every three years. The three year period does not refer to the collection frequency, but the period of time beyond which OMB's approval of a collection of information would expire if not renewed.

Dated: July 15, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17414 Filed 7–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–514–000]

Texas Eastern Transmission, LP; Notice of Application

On July 2, 2013, Texas Eastern Transmission, LP (Texas Eastern) filed with the Federal Energy Regulatory Commission (Commission) an application under section 7(b) of the Natural Gas Act and Part 157, Subpart A of Commission regulations for authorization to abandon certain natural gas facilities no longer in service. As described more fully in the Application, Texas Eastern states that it lacks the documentation to confirm the dates these facilities were removed from service or that abandonment authorization was received. Texas Eastern lists more than 750 of such facilities, 550 meter stations and 200 small pipe sections in an appendix to the filing. Texas Eastern requests this abandonment authorization to clarify the regulatory status of these facilities and to ensure that Texas Eastern's records include documentation supporting their abandonment. Texas Eastern states that the proposed abandonment will not adversely impact existing Texas Eastern service provided and will not affect existing rates or tariff provisions.

Questions regarding this application may be directed to Lisa A. Connolly, General Manager, Rates & Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas, 77251–1642, or by calling (713) 627–4102; by fax 713–627–5947 or by email to *laconnolly@spectraenergy.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to

participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such motions or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant, on or before the comment date. It is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission strongly encourages electronic submission of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov.using* the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 5, 2013.

Dated: July 15, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17415 Filed 7–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–129–000.
Applicants: Arizona Solar One LLC.
Description: Application of Arizona Solar One LLC for Authorization under Section 203 of the Federal Power Act for the Disposition of Jurisdictional Facilities, Request for Expedited Consideration and Confidential Treatment.
Filed Date: 7/12/13.
Accession Number: 20130712–5183.
Comments Due: 5 p.m. ET 8/2/13.

Docket Numbers: EC13–130–000.
Applicants: Direct LP, Inc., Bounce Energy NY, LLC, Bounce Energy PA, LLC.
Description: Section 203 Application of Direct LP, Inc., *et al.*
Filed Date: 7/12/13.
Accession Number: 20130712–5191.
Comments Due: 5 p.m. ET 8/2/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1970–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Queue Position V1–026/V1–027; Second Revised Service Agrmt No. 2860 to be effective 6/12/2013.
Filed Date: 7/12/13.
Accession Number: 20130712–5147.
Comments Due: 5 p.m. ET 8/2/13.

Docket Numbers: ER13–1971–000.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits 2013–07–12_CFTC_Exemption to be effective 9/16/2013.
Filed Date: 7/12/13.
Accession Number: 20130712–5162.
Comments Due: 5 p.m. ET 8/2/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES13–29–000.
Applicants: California Independent System Operator Corporation.
Description: Filing of Supplemental Information Relating to 204 Application of the California Independent System Operator Corporation.
Filed Date: 7/12/13.
Accession Number: 20130712–5173.
Comments Due: 5 p.m. ET 7/22/13.

Docket Numbers: ES13–32–000.
Applicants: Upper Peninsula Power Company.
Description: Supplement to June 24, 2013 Application for Renewed Authorization to Issue Long-Term Debt of Upper Peninsula Power Company.
Filed Date: 7/12/13.
Accession Number: 20130712–5186.
Comments Due: 5 p.m. ET 7/22/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 15, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–17482 Filed 7–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1281–000.

Applicants: Massachusetts Electric Company.

Description: Massachusetts Electric Company submits Refund Report Regarding Interconnection Agreement with Quarry Energy Corp. to be effective N/A.

Filed Date: 7/15/13.

Accession Number: 20130715–5202.

Comments Due: 5 p.m. e.t. 8/5.

Docket Numbers: ER13–1515–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Midcontinent Independent System Operator, Inc. submits 07–15–13 RSP Amendment to be effective 7/16/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5212.

Comments Due: 5 p.m. e.t. 8/5/13.

Docket Numbers: ER13–1673–000.

Applicants: Entergy Arkansas, Inc.

Description: Compliance Refund Report to be effective N/A.

Filed Date: 7/12/13.

Accession Number: 20130712–5074.

Comments Due: 5 p.m. e.t. 8/2/13.

Docket Numbers: ER13–1793–001.

Applicants: Hazle Spindle, LLC.

Description: Hazle Spindle, LLC submits Hazle MBR Tariff Amendment to be effective 8/1/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5001.

Comments Due: 5 p.m. e.t. 8/5/13.

Docket Numbers: ER13–1972–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii: CLGIA and Distribution Service Agmt RE Columbia to be effective 7/16/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5000.

Comments Due: 5 p.m. e.t. 8/5/13.

Docket Numbers: ER13–1973–000.

Applicants: Michigan Electric Transmission Company, LLC.

Description: Michigan Electric Transmission Company, LLC submits Filing of CIAC Agreement with Wolverine Power Supply Cooperative to be effective 9/13/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5089.

Comments Due: 5 p.m. e.t. 8/5/13.

Docket Numbers: ER13–1974–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits Queue Position X4–016; Original Service Agreement No. 3597 to be effective 6/13/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5127.

Comments Due: 5 p.m. e.t. 8/5/13.

Docket Numbers: ER13–1975–000.

Applicants: AEP Texas North Company.

Description: AEP Texas North Company submits TNC-First Solar Development PDA to be effective 6/26/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5175.

Comments Due: 5 p.m. e.t. 8/5/13.

Docket Numbers: ER13–1976–000.

Applicants: AEP Texas Central Company.

Description: AEP Texas Central Company submits TCC-Sendero Wind Energy IA to be effective 6/26/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5181.

Comments Due: 5 p.m. e.t. 8/5/13.

Docket Numbers: ER13–1977–000.

Applicants: AEP Texas Central Company.

Description: AEP Texas Central Company submits TCC-Patriot Wind Farm IA to be effective 7/2/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5184.

Comments Due: 5 p.m. e.t. 8/5/13.

Docket Numbers: ER13–1978–000.

Applicants: AEP Texas Central Company.

Description: AEP Texas Central Company submits TCC–SP-BrackettvilleSolar PDA to be effective 7/2/2013.

Filed Date: 7/15/13.

Accession Number: 20130715–5185.

Comments Due: 5 p.m. e.t. 8/5/13.

Docket Numbers: ER13–1979–000.

Applicants: Lake Erie CleanPower Connector.

Description: Application for Authority to Sell Transmission Rights at Negotiated Rates and Request for Expedited Action of Lake Erie CleanPower Connector.

Filed Date: 7/15/13.

Accession Number: 20130715–5218.

Comments Due: 5 p.m. e.t. 8/5/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 15, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–17483 Filed 7–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL13–76–000]

AmerenEnergy Resources Generating Company v. Midcontinent Independent System Operator, Inc.; Notice of Complaint

Take notice that on July 5, 2013, AmerenEnergy Resources Generating Company (AERG or Complainants) filed a formal complaint against Midcontinent Independent System Operator, Inc. (MISO or Respondents), pursuant to sections 206 of the Federal Power Act, 16 U.S.C. 824e and 18 CFR 385.206, regarding the compensation that a System Support Resource unit should be provided under MISO's Tariff.

AERG certifies that copies of the complaint were served on the contacts for MISO as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for

review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 31, 2013.

Dated: July 12, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–17484 Filed 7–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commissioner and Staff Attendance at the National Association of Regulatory Utility Commissioners 2013 Summer Committee Meetings

The Federal Energy Regulatory Commission (FERC or Commission) hereby gives notice that members of the Commission and/or Commission staff may attend the following meeting:

FERC/National Association of Regulatory Utility Commissioners Sunday Morning Collaborative, July 21, 2013 (9:00 a.m.–11:45 a.m.), Sheraton Denver Downtown Hotel, 1550 Court Place, Denver, CO 80202.

Further information may be found at *http://summer.narucmeetings.org/agenda.cfm*

Dated: July 15, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–17416 Filed 7–19–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0062; FRL–9534–6]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request: Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''40 CFR Part 6: Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions'' (EPA ICR No. 2243.07, OMB Control No. 2020–0033) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through August 31, 2013. Public comments were previously requested via the **Federal Register** (78 FR 12308) on February 22, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before August 21, 2013.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2005–0062, to (1) EPA online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jessica Trice, Office of Federal Activities, Mail Code 2252A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–6646; fax number: (202) 564–0072; email address: *trice.jessica@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 Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4347 establishes a national policy for the environment. The Council on Environmental Quality (CEQ) oversees the NEPA implementation. CEQ's Regulations at 40 CFR parts 1500 through 1508 set the standard for NEPA compliance. They also require agencies to establish their own NEPA implementing procedures. EPA's procedures for implementing NEPA are found in 40 CFR Part 6. Through this part, EPA adopted the CEQ Regulations and supplemented those regulations for actions by EPA that are subject to NEPA requirements. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act. EPA is collecting information from certain applicants as part of the process of complying with either NEPA or Executive Order 12114 (''Environmental Effects Abroad of Major Federal Actions''). EPA's NEPA regulations apply to the actions of EPA that are subject to NEPA in order to ensure that environmental information is available to the Agency's decision-makers and the public before decisions are made and before actions are taken. When EPA conducts an environmental assessment pursuant to its Executive Order 12114 procedures, the Agency generally follows its NEPA procedures. Compliance with the procedures is the responsibility of EPA's Responsible Officials, and for applicant proposed actions applicants may be required to provide environmental information to EPA as part of the environmental review process. For this Information Collection Request (ICR), applicant-proposed projects subject to either NEPA or Executive Order 12114 (and that are not addressed in other EPA programs' ICRs) are addressed through the NEPA process.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are certain grant or permit applicants who must submit environmental information documentation to EPA for their projects to comply with NEPA or Executive

Order 12114, including Wastewater Treatment Construction Grants Program facilities, State and Tribal Assistance Grant recipients and new source National Pollutant Discharge Elimination System permittees.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 312 (total).

Frequency of response: On occasion.

Total estimated burden: 38,472 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $3,607,085 (per year), includes $8,452 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB. However, a slight increase to the estimated O&M costs has occurred related to CE documentation and have been adjusted in the renewal ICR based on inflationary changes.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–17522 Filed 7–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0687; FRL–9534–3]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Stationary Combustion Turbines (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Stationary Combustion Turbines (40 CFR Part 63, Subpart YYYY) (Renewal)'' (EPA ICR No. 1967.05, OMB Control No. 2060–0540) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*). This is a proposed extension of the ICR, which is currently approved through September 30, 2013. Public comments were previously requested via the **Federal Register** (77 FR 63813) on October 17, 2012, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before August 21, 2013.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2012–0687, to: (1) EPA 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 Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@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 either online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart YYYY.

Owners or operators of the affected facilities must submit an initial notification report, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None.

Respondents/affected entities: Stationary combustion turbines.

Respondent's obligation to respond: Mandatory (63 CFR part 63, subpart YYYY).

Estimated number of respondents: 105 (rounded).

Frequency of response: Initially, annually, and semiannually.

Total estimated burden: 1,338 hours (per year). ''Burden'' is defined at 5 CFR 1320.3(b).

Total estimated cost: $165,056 (per year), includes $10,750 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 903 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to several adjustments, which are stated below:

First, we have revised the number of respondents to make ICR estimates consistent with the economic impact analysis, which contains the most recent information on existing and new sources. Based on the analysis, an average of 96 existing and 8.7 new sources per year will be subject to the standard. By contrast, the most recently approved ICR estimated 22 existing and 9 new sources per year, and did not provide a clear basis for its estimates and underlying assumptions. The increase in labor burden and cost for both respondents and the Agency is primarily due to the revised number of sources, particularly existing sources which accounts for industry growth.

Second, we have revised both respondent and Agency labor burdens and costs so that they accurately reflect the reporting and recordkeeping requirements associated with each subcategory. The previous ICR only reflected burdens attributed to new sources in the gas-fired and oil-fired subcategories, and did not account for any sources in the landfill/digester gas-fired subcategory.

Finally, there is an increase in the capital/startup cost as compared to the previous ICR. This increase is the result of including contractor labor associated with catalyst inlet temperature monitor installation. This labor was presented in the previous ICR as a respondent burden rather than a capital cost. Since the contractor labor applies solely to a capital/startup activity, it should be presented it as a capital/startup cost rather than a respondent burden. We

also have updated the labor rates to reflect current private-industry rates.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–17521 Filed 7–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2012–0737; FRL–9534–7]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Standards for Pesticide Containers and Containment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Standards for Pesticide Containers and Containment'' (EPA ICR No. 1632.04; OMB Control No. 2070–0133) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through July 31, 2013. The ICR, which is abstracted below, describes the nature of the information collection activity and its expected burden and costs. Copies of the ICR and related documents are available in the docket.

DATES: Additional comments may be submitted on or before August 21, 2013.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPP–2012–0737, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by email to *oppncic@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Rame Cromwell, Field and External Affairs Division (7506P), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703 308–9068; fax number: 703 508–3884; email address: *cromwell.rame@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Abstract: This information collection request covers the information collection activities associated with the container design and residue removal requirements and containment structure requirements. With respect to the container design and residue removal requirements, the information collection activities are associated with the requirement that businesses subject to the container regulations (pesticide registrants) and repackaging regulations (pesticide registrants and refillers) maintain records of test data, cleaning procedures, certain data when a container is refilled, and other supporting information. These records are subject to both call-in by EPA and on-site inspection by EPA and its representatives.

EPA has not established a regular schedule for the collection of these records, and there is no reporting. With respect to the containment structure requirements, the information collection activities are associated with the requirement that businesses subject to the containment structure regulations maintain records of the: (1) Monthly inspection and maintenance of each containment structure and all stationary bulk containers; (2) duration over which non-stationary bulk containers holding pesticide and not protected by a secondary containment unit remain at the same location; and (3) construction date of the containment structure.

The businesses subject to the containment structure regulations include agrichemical retailers and refilling establishments, custom blenders and commercial applicators of agricultural pesticides. The records have to be maintained by the owners and operators of such businesses. There is no regular schedule for the collection of either of these records, nor does EPA anticipate a call-in of records at some future date. Instead, the records would be available to inspectors to ensure that businesses are in compliance with containment requirements. These inspections are generally conducted by the states, which enforce FIFRA regulations through cooperative agreements with EPA.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this ICR include pesticide registrants and businesses who formulate pesticide products or pesticide formulation intermediates (NAICS code 325320), farm supply wholesalers (NAICS code 422910), swimming pool applicators (NAICS codes 561790,453998, and 235990), and agricultural (aerial and ground) commercial applicators (NAICS code 115112).

Respondent's obligation to respond: mandatory under sections 3, 8, 19, and 25 of the Federal Insecticide and Rodenticide Act (FIFRA) (7 U.S.C. 136f, 136q, and 136w).

Estimated number of respondents: 23,586.

Frequency of response: On occasion.

Total estimated burden: 169,660 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $6,248,079 (per year), includes $5,561,578 for container regulations and $686,501 for containment regulations.

Changes in the Estimates: The renewal of this ICR will result in an overall decrease of 4,890.5 hours in the total estimated respondent burden indentified in the currently approved ICR. This decrease reflects three revisions to the estimated annual burden. First, EPA received very few waiver requests for complying with the non-refillable container regulations, so the estimated rate of registrants requesting waivers decreases from 5% to 1%. The decrease in estimated waiver requests resulted in a corresponding decrease in the associated burden. Second, since registrant repacking activities are similar to the repacking activities conducted by refillers and swimming pool supply companies, EPA increased the average annual burden per registrant respondent from 1 hour to 12.5 hours per respondent to be consistent with the average burden per refiller or swimming pool supply company. Third, for entities subject to the containment requirements, some activities in the previous ICR were one-time activities completed by the compliance date of August 16, 2009. This ICR includes only the ongoing annual information collection activities for the containment requirements,

resulting in a corresponding decrease in the estimated annual burden per respondent from the previous ICR. These changes are adjustments.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–17517 Filed 7–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–OPP–2012–0544; FRL–9534–8]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Notice of Supplemental Distribution of a Registered Pesticide Product

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Notice of Supplemental Distribution of a Registered Pesticide Product'' (EPA ICR No. 0278.11, OMB Control No. 2070–0044) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a renewal of the ICR that is currently approved through July 31, 2013. The ICR, which is abstracted below, describes the nature of the information collection activity and its expected burden and costs. Copies of the ICR and related documents are available in the docket.

DATES: Additional comments may be submitted on or before August 21, 2013.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPP–2012–0544, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by email to *opp.ncic@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Lily G. Negash, Field & External Affairs Division, (Mail Code 7506P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–347–8515; fax number: (703) 305–5884; email address: *negash.lily@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This information collection activity notifies the Environmental Protection Agency (EPA) of supplemental distribution of registered pesticide products. As mandated by the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is responsible for the regulation of pesticides. Section 3 (e) of FIFRA (7 U.S.C. 136a (e)) allows pesticide products with the same formulation, label claims, and manufacturer as a registered product to be distributed under the same registration as the basic product. Pesticide registrants may distribute or sell registered pesticides under a different product name in addition to the registered name, or under a different entity's name and address. Such distribution and sale is termed ''supplemental distribution'' and the product is termed a ''distributor product.'' EPA requires pesticide registrants who enter into supplemental distribution agreements with other companies to submit EPA Form 8570–5, *Notice of Supplemental Distribution of a Registered Pesticide Product.* Supplemental registrations are only an extension of a currently federally registered pesticide product.

Distributor products must reflect any changes in formulation or labeling made to the basic registered product within the same timeframe imposed on that product. A distributor is considered an agent of the registrant; both the registrant and the distributor may be held liable for violations pertaining to the distributed product. In addition to notifying the Agency, an individual or entity may become a distributor upon meeting the regulatory conditions. Distributor products must be the same as the registered product, and may not be repackaged (must remain in the producer's unopened container); distributor product labels must bear qualifications such as ''distributed by,'' or ''sold by;'' the labeling must bear the same claims as the basic registered product—with the exception of deletion of specific claims. In addition, although the distributed product's name may be different from that of the registered product, it may not be misleading. Product distributorship data submitted by basic product registrants under FIFRA Section 3(e) are considered by the Office of Pesticide Programs (OPP) to contain no confidential business information (CBI).

Form Numbers: EPA Form 8570–5.

Respondents/affected entities: Pesticide and other Agricultural Chemical Manufacturing; individuals or firms engaged in activities related to the registration and supplemental distribution of a pesticide product.

Respondent's obligation to respond: Required to obtain or retain a benefit.

Estimated number of responses: 1,451 per year (total).

Frequency of response: Once per event.

Total estimated burden: 387 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $34,505 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 68 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is an adjustment to account for a previously unaccounted-for additional activity involved in some of the responses.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–17514 Filed 7–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9836–3]

Request for Nominations of Experts for the Clean Air Scientific Advisory Committee (CASAC) Sulfur Oxides Primary National Ambient Air Quality Standards (NAAQS) Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office is requesting public nominations for technical experts to form a CASAC ad hoc panel to provide advice through the chartered CASAC on primary (human health-based) air quality standards for sulfur oxides (SO_X).

DATES: Nominations should be submitted by August 12, 2013 per instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Diana Wong, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564–2049 or via email at *wong.diana-M@epa.gov.* General information concerning the EPA CASAC can be found at the EPA CASAC Web site at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION:

Background: The Clean Air Scientific Advisory Committee (CASAC) was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee. CASAC provides advice, information and recommendations on the scientific and technical aspects of air quality criteria and National Ambient Air Quality Standards (NAAQS) under sections 108 and 109 of the Act. The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA). As amended, 5 U.S.C., App. Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including sulfur oxides. As a Federal Advisory Committee, the CASAC conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The CASAC will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists in the science of air pollution related to sulfur oxides. Experts are sought in atmospheric science, human exposure, dosimetry, toxicology, epidemiology, medicine, public health, biostatistics and risk assessment.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above. Nominations should be submitted in electronic format (preferred over hard copy) following the instructions for ''Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed,'' provided on the CASAC Web site. If you wish to nominate yourself or another expert, please follow the instructions that can be accessed through the ''Nomination of Experts'' link on the blue navigational bar at the CASAC Web site *http://www.epa.gov/casac.* To receive full consideration, nominations should include all of the information requested below.

EPA's SAB Staff Office requests contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's resume or curriculum vita; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations. The bio-sketches and resume or curriculum vita of nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff, will be made available to the public upon request. Please be advised that information provided in response to the request described in this paragraph is subject to release under the Freedom of Information Act.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the CASAC Web site, should contact Dr. Diana Wong, DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than August 12, 2013. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and bio-sketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff, will be posted in a List of Candidates on the CASAC Web site at *http://www.epa.gov/casac.* Public comments on this List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office a review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming this expert panel, the SAB Staff Office will consider public comments on the List of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the panel as a whole, diversity of expertise and viewpoints.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which includes membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by federal regulation. The form may be viewed and downloaded from the following URL address *http://www.epa.gov/sab/pdf/epaform3110-48.pdf.*

The approved policy under which the EPA SAB Office selects subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB Web site at *http://www.epa.gov/sab/pdf/ec02010.pdf.*

Dated: July 11, 2013.

Thomas Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2013–17567 Filed 7–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL9836–2; CERCLA–04–2013–3758]

Florida Petroleum Reprocessors Site, Davie, Broward County, Florida; Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement with Jap. Tech, Inc. concerning the Florida Petroleum Reprocessors Site located in Davie, Broward County, Florida. The settlement addresses the PRP's Site-wide liability on an Ability-to-Pay basis.

DATES: The Agency will consider public comments on the settlement until August 21, 2013. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from Ms. Paula V. Painter. Submit your comments by Site name Florida Petroleum Reprocesssors Site by one of the following methods:

- *www.epa.gov/region4/superfund/programs/enforcement/enforcement.html.*
- *Email: Painter.Paula@epa.gov.*
- U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Dated: May 16, 2013.

Anita L. Davis,

Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. 2013–17568 Filed 7–19–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting; Friday, July 19, 2013

July 12, 2013.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, July 19, 2013. The meeting is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC

Item No.	Bureau	Subject
1	MEDIA	TITLE: Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming (MB Docket No. 12–203). SUMMARY: The Commission will consider a Fifteenth Report on the status of competition in the market for the delivery of video programming.
2		TITLE: Presentation on LEAD Recommendations and Digital Learning. SUMMARY: Margaret Spellings, former Secretary of Education, and Jim Steyer, Founder and CEO of Common Sense Media, will present on the bipartisan Leading Education by Advancing Digital (LEAD) Commission's Five Point Blueprint recommending a national initiative to expand digital learning in K–12 education. Dr. John Word, principal of Kenmore Middle School in Arlington, VA, will present on how students and teachers at Kenmore are using digital technologies and broadband connectivity to expand learning opportunities.
3	WIRELINE COMPETITION	TITLE: Modernizing the E-rate Program for Schools and Libraries. SUMMARY: The Commission will consider a Notice of Proposed Rulemaking to modernize the Schools and Libraries Universal Service Support mechanism (the E-rate program) to support high-speed broadband for digital learning technologies and ensure all students, teachers, and library patrons have the tools they need to succeed in the 21st century.
4	CONSUMER & GOVERNMENTAL AFFAIRS.	TITLE: Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services (CG Docket No. 08–15); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities (CG Docket No. 03–123). SUMMARY: The Commission will consider a Report and Order addressing mandatory minimum standards applicable to the Speech-to-Speech Relay program and a Further Notice of Proposed Rulemaking seeking input on ways to improve the efficiency and effectiveness of this program.
5	CONSUMER & GOVERNMENTAL AFFAIRS & WIRELESS TELE–COMMUNICATIONS & MEDIA.	TITLE: Update on the Implementation of the Twenty-First Century Communications and Video Accessibility Act (CVAA). SUMMARY: In recognition of the 23rd anniversary of the Americans with Disabilities Act, the Consumer & Governmental Affairs Bureau, together with the Wireless Telecommunications Bureau and the Media Bureau, will provide a report on the Commission's implementation of the CVAA since its passage in 2010.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to www.capitolconnection.gmu.edu.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by email at *FCC@BCPIWEB.com.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–17626 Filed 7–18–13; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of: 10091, Waterford Village Bank, Clarence, NY

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Waterford Village Bank, Clarence, NY (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Waterford Village Bank on July 24, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201. No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: July 16, 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–17420 Filed 7–19–13; 8:45 am]

BILLING CODE 6714–01–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 August 6, 2013.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. *ESB Financial Corporation Employee Stock Ownership Plan, Ellwood City, Pennsylvania; Mario John Manna, Trustee; Mario John Manna's IRA Account; Claudia Brown Moore; Claudia Brown Moore's IRA Account; and Dolores Silvestri,* all of Coraopolis, Pennsylvania; to retain and acquire additional voting shares of ESB Financial Corporation, and thereby indirectly retain and acquire additional voting shares of ESB Bank, both in Ellwood City, Pennsylvania.

Board of Governors of the Federal Reserve System, July 17, 2013.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2013–17510 Filed 7–19–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of June 18–19, 2013

In accordance with Section 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on June 18–19, 2013.[1]

Consistent with its statutory mandate, the Federal Open Market Committee seeks monetary and financial conditions that will foster maximum employment and price stability. In particular, the Committee seeks conditions in reserve markets consistent with federal funds trading in a range from 0 to ¼ percent. The Committee directs the Desk to undertake open market operations as necessary to maintain such conditions. The Desk is directed to continue purchasing longer-term Treasury securities at a pace of about $45 billion per month and to continue purchasing agency mortgage-backed securities at a pace of about $40 billion per month. The Committee also directs the Desk to engage in dollar roll and coupon swap transactions as necessary to facilitate settlement of the Federal Reserve's agency mortgage-backed securities transactions. The Committee directs the Desk to maintain its policy of rolling over maturing Treasury securities into new issues and its policy of reinvesting principal payments on all agency debt and agency mortgage-backed securities in agency mortgage-backed securities. The System Open Market Account Manager and the Secretary will keep the Committee informed of ongoing developments regarding the System's balance sheet that could affect the attainment over time of the Committee's objectives of maximum employment and price stability.

By order of the Federal Open Market Committee, July 12, 2013.

William B. English,

Secretary, Federal Open Market Committee.

[FR Doc. 2013–17460 Filed 7–19–13; 8:45 am]

BILLING CODE 6210–01–P

[1] Copies of the Minutes of the Federal Open Market Committee at its meeting held on June 18–19, 2013, which includes the domestic policy directive issued at the meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, DC 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's Annual Report.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day 13–0950]

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

The National Health and Nutrition Examination Survey (NHANES) OMB No. 0920–0950, expires 11/30/2015)—revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability; environmental, social and other health hazards; and determinants of health of the population of the United States.

The National Health and Nutrition Examination Surveys (NHANES) have been conducted periodically between 1970 and 1994, and continuously since 1999 by the National Center for Health Statistics, CDC. Annually, approximately 15,411 respondents participate in some aspect of the full survey. About 10,000 complete the screener for the survey. About 142 complete the household interview only. About 5,269 complete both the household interview and the MEC examination. Up to 4,000 additional persons might participate in tests of procedures, special studies, or methodological studies (table 1). Participation in NHANES is completely voluntary and confidential. A three-year approval is requested.

NHANES programs produce descriptive statistics which measure the health and nutrition status of the general population. Through the use of physical examinations, laboratory tests, and interviews NHANES studies the relationship between diet, nutrition and health in a representative sample of the United States. NHANES monitors the prevalence of chronic conditions and risk factors. NHANES data are used to produce national reference data on height, weight, and nutrient levels in the blood. Results from more recent NHANES can be compared to findings reported from previous surveys to monitor changes in the health of the U.S. population over time. NCHS collects personal identification information. Participant level data items will include basic demographic information, name, address, social security number, Medicare number and participant health information to allow for linkages to other data sources such as the National Death Index and data from the Centers for Medicare and Medicaid Services (CMS).

A variety of agencies sponsor data-collection components on NHANES. To keep burden down, NCHS cycles in and out various components. The 2013–2014 NHANES physical examination includes the following components: Oral glucose tolerance test (ages 12 and older), grip strength (ages 6 and older), anthropometry (all ages), 24-hour dietary recall (all ages), physician's examination (all ages, blood pressure is collected here), taste and smell (60 and older), oral health examination (ages 1 and older, fluorosis photos ages 6–19), dual X-ray absorptiometry (total body composition ages 6–59 and osteoporosis, vertebral fractures and aortic calcification ages 40 and older). While at the examination center additional interview questions are asked (6 and older), a physical activity monitor is placed for 7 days of wear (ages 3 and older) and instructions are provided for mailing it back, a second 24-hour dietary recall (all ages) is scheduled to be conducted by phone 3–10 days later, and supplies and directions for a home urine collection (ages 20–69 for future research) is explained (this urine is mailed back).

The bio-specimens collected for laboratory tests include urine, blood, vaginal and penile swabs, oral rinses and household water collection. Serum, plasma and urine specimens are stored for future testing if the participant consents.

For the 2013–14 NHANES some major additions to the laboratory component include the following: Additional laboratory tests related to tobacco exposure, laboratory content related to fluoride exposure, and collection of HPV swabs for males.

The following major examination or laboratory items, that had been included in the 2011–2012 NHANES, were cycled out for NHANES 2013–2014: tuberculin skin testing, the respiratory health, and hearing examination components, and collection of a genetic specimen for future testing.

Most sections of the NHANES interviews provide self-reported information to be used either in concert with specific examination or laboratory content, as independent prevalence estimates, or as covariates in statistical analysis (e.g., socio-demographic characteristics). Some examples include alcohol, drug, and tobacco use, sexual behavior, prescription and aspirin use, and indicators of oral, bone, reproductive, and mental health. Several interview components support the nutrition monitoring objective of NHANES, including questions about food security and nutrition program participation, dietary supplement use, and weight history/self-image/related behavior. In 2014, 24-hour urine will be collected from interested NHANES participants who have completed the NHANES examination. This information is designed to better understand sodium intake and provide a population baseline for use in monitoring trends in sodium intake in the future. This special study will be limited to a one-half sample of participants ages 20–69. One half of those successfully completing this initial collection will be asked to complete second 24-hour urine. In addition to sodium, potassium, chloride and creatinine levels will be measured. Other analyses of the urine are being considered: Fluoride, micro-albumin, phosphorus and iodine.

NHANES data users include the U.S. Congress; numerous Federal agencies such as other branches of the Centers for Disease Control and Prevention, the National Institutes of Health, and the United States Department of Agriculture; private groups such as the American Heart Association; schools of public health; and private businesses. There is no cost to respondents other than their time.

TABLE 1—ANNUALIZED BURDEN HOURS

Type of respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Individuals in households	NHANES Questionnaire	15,411	1	2.4	36,986
Individuals in households	Special Studies	4,000	1	3	12,000
Total					48,986

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. 2013–17481 Filed 7–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–13–0870]

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 Kimberly Lane, 1600 Clifton Road, MS D–74, 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

Monitoring and Reporting System for Chronic Disease Prevention and Control Programs (OMB No. 0920–0870, exp. 11/30/2013)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Chronic diseases are the leading causes of death and disability in the United States, accounting for seven of every ten deaths and affecting the quality of life for 90 million Americans. Chronic diseases represent 83% of all U.S. health care spending.

Tobacco use is the single most preventable cause of death and disease in the United States. Tobacco use causes heart disease and strokes, lung cancer and many other types of cancer, chronic obstructive pulmonary disease, lung disorders, pregnancy problems, sudden infant death syndrome, gum disease and vision problems. Approximately 443,000 Americans die from tobacco-related illnesses annually, causing more deaths than HIV/AIDS, alcohol use, cocaine use, heroin use, homicides, suicides, motor vehicle crashes, and fires combined. For every person who dies from tobacco use, 20 more people suffer with at least 1 serious tobacco-related illness. There are also severe socio-economic consequences of tobacco use as the U.S. spends approximately $193 billion annually in direct medical expenses and lost productivity.

The National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) provides funding to health departments in States, territories, and the District of Columbia to implement and evaluate chronic disease prevention and control programs. Traditionally, support has been provided through cooperative agreements that are specific to a chronic disease or condition. In 2009, CDC announced a new cooperative agreement program for collaborative chronic disease prevention and health promotion programs (RFA DP09–901; authorized under sections 301, 307, 310, and 311 of the Public Health Service Act [42 U.S.C. sections 241 and 247(b)(k)]). The new program streamlined funding, communication and collaboration in four areas that had previously been funded and evaluated independently: tobacco control, diabetes prevention and control, state-based surveillance through the Behavioral Risk Factor Surveillance System (BRFSS), and the Healthy Communities initiative.

Due to organizational and funding changes within CDC, funding under the DP09–901 announcement has been discontinued for all activities except tobacco control. The tobacco control component is ongoing with 53 awardees: the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. These cooperative agreements will end on March 28, 2014, and final reports on awardee activities are due to CDC approximately 90 days after the end of the funding period.

In order to maintain continuity in progress reporting through the end of the cooperative agreement, CDC requests OMB approval to continue the collection of information from tobacco control program awardees for one year. Awardees will continue to submit semi-annual progress reports through a Web-based management information system (MIS). There are no changes to the number of tobacco control program respondents, the content of the information collection, the frequency of information collection, or the estimated burden per response. However, the total estimated burden hours will decrease due to discontinuation of reporting requirements for the diabetes prevention activities, state BRFSS activities, and Healthy Communities activities that were part of the original information collection request.

CDC will continue to collect information about each awardee's tobacco control objectives, planning, activities, resources, partnerships, strategies, and progress toward meeting objectives. Awardees will use the information reported through the electronic MIS to manage and coordinate their activities and to

improve their efforts. CDC will use the information reported through the MIS to document and monitor each awardee's progress and to make adjustments, as needed, in the type and level of technical assistance provided to them. The information collection allows CDC to oversee the use of federal funds, and identify and disseminate information about successful strategies implemented by awardees. CDC also uses the information to respond to Congressional and stakeholder inquiries about awardee activities, program implementation, and program impact.

Progress reporting through the MIS is required for DP09–901 awardees. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden
State Tobacco Control Program	53	2	6	636

Kimberly S. Lane,

Deputy Director, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–17527 Filed 7–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-13–0870]

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 Kimberly Lane, 1600 Clifton Road, MS D–74, 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

Monitoring and Reporting System for Chronic Disease Prevention and Control Programs (OMB No. 0920–0870, exp. 11/30/2013)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Chronic diseases are the leading causes of death and disability in the United States, accounting for seven of every ten deaths and affecting the quality of life for 90 million Americans. Chronic diseases represent 83% of all U.S. health care spending.

Tobacco use is the single most preventable cause of death and disease in the United States. Tobacco use causes heart disease and strokes, lung cancer and many other types of cancer, chronic obstructive pulmonary disease, lung disorders, pregnancy problems, sudden infant death syndrome, gum disease and vision problems. Approximately 443,000 Americans die from tobacco-related illnesses annually, causing more deaths than HIV/AIDS, alcohol use, cocaine use, heroin use, homicides, suicides, motor vehicle crashes, and fires combined. For every person who dies from tobacco use, 20 more people suffer with at least 1 serious tobacco-related illness. There are also severe socio-economic consequences of tobacco use as the U.S. spends approximately $193 billion annually in direct medical expenses and lost productivity.

The National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) provides funding to health departments in States, territories, and the District of Columbia to implement and evaluate chronic disease prevention and control programs. Traditionally, support has been provided through cooperative agreements that are specific to a chronic disease or condition. In 2009, CDC announced a new cooperative agreement program for collaborative chronic disease prevention and health promotion programs (RFA DP09–901; authorized under sections 301, 307, 310, and 311 of the Public Health Service Act [42 U.S.C. sections 241 and 247(b)(k)]). The new program streamlined funding, communication and collaboration in four areas that had previously been funded and evaluated independently: Tobacco control, diabetes prevention and control, state-based surveillance through the Behavioral Risk Factor Surveillance System (BRFSS), and the Healthy Communities initiative.

Due to organizational and funding changes within CDC, funding under the DP09–901 announcement has been discontinued for all activities except tobacco control. The tobacco control component is ongoing with 53 awardees: The 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. These cooperative agreements will end on March 28, 2014, and final reports on awardee activities are due to CDC approximately 90 days after the end of the funding period.

In order to maintain continuity in progress reporting through the end of the cooperative agreement, CDC requests OMB approval to continue the collection of information from tobacco control program awardees for one year. Awardees will continue to submit semi-annual progress reports through a Web-based management information system (MIS). There are no changes to the number of tobacco control program respondents, the content of the information collection, the frequency of information collection, or the estimated burden per response. However, the total estimated burden hours will decrease due to discontinuation of reporting requirements for the diabetes prevention activities, state BRFSS activities, and

Healthy Communities activities that were part of the original information collection request.

CDC will continue to collect information about each awardee's tobacco control objectives, planning, activities, resources, partnerships, strategies, and progress toward meeting objectives. Awardees will use the information reported through the electronic MIS to manage and coordinate their activities and to improve their efforts. CDC will use the information reported through the MIS to document and monitor each awardee's progress and to make adjustments, as needed, in the type and level of technical assistance provided to them. The information collection allows CDC to oversee the use of federal funds, and identify and disseminate information about successful strategies implemented by awardees. CDC also uses the information to respond to Congressional and stakeholder inquiries about awardee activities, program implementation, and program impact.

Progress reporting through the MIS is required for DP09–901 awardees. There are no costs to respondents other than their time.

Estimated Annualized Burden Hours

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden
State Tobacco Control Program	53	2	6	636

Kimberly S. Lane,

Deputy Director, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–17525 Filed 7–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10493 and CMS–10495]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

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 20, 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–10493 Nationwide Consumer Assessment of Healthcare Providers and Systems (DCAHPS) Survey for Adults in Medicaid

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:* New collection (request for a new OMB control number); *Title of Information Collection:* Nationwide Consumer Assessment of Healthcare Providers and Systems (DCAHPS) Survey for Adults in Medicaid; *Use:* The goal of the survey is to attain national and state-by-state estimates of adult Medicaid beneficiaries' access and experiences and satisfaction with care

across different financing and delivery models (e.g., managed care and fee-for-service) and population groups (e.g., beneficiaries with physical, mental or both physical and mental disabilities, dually eligible beneficiaries, all other beneficiaries). The survey will serve as baseline information on the experiences of low-income adults during the early stages of implementation of the Affordable Care Act provision that permits states to expand eligibility to adults with income below 138 percent of the federal poverty level who were not previously eligible. Along with states, we can use the survey information as one indicator of the quality of care within and across states. It also will be used to assist us along with the states in efforts to provide better care and more affordable care to Medicaid beneficiaries. *Form Number:* CMS–10493 (OCN: 0938–New); *Frequency:* Once; *Affected Public:* Individuals and households; *Number of Respondents:* 1,500,000; *Total Annual Responses:* 510,000. *Total Annual Hours:* 170,000. (For policy questions regarding this collection contact Marsha Lillie-Blanton at 410–786–8856.).

2. *Type of Information Collection Request:* New collection (request for a new OMB control number); *Title of Information Collection:* Registration, Attestation, Dispute & Resolution, Assumptions Document and Data Retention Requirements for Open Payments; *Use:* Section 6002 of the Affordable Care Act added section 1128G to the Social Security Act (Act), which requires applicable manufacturers and applicable group purchasing organizations (GPOs) of covered drugs, devices, biologicals, or medical supplies to report annually to CMS certain payments or other transfers of value to physicians and teaching hospitals, as well as, certain information regarding the ownership or investment interests held by physicians or their immediate family members in applicable manufacturers or applicable GPOs.

Specifically, applicable manufacturers of covered drugs, devices, biologicals, and medical supplies are required to submit on an annual basis the information required in section 1128G(a)(1) of the Act about certain payments or other transfers of value made to physicians and teaching hospitals (collectively called covered recipients) during the course of the preceding calendar year. Similarly, section 1128G(a)(2) of the Act requires applicable manufacturers and applicable GPOs to disclose any ownership or investment interests in such entities held by physicians or their immediate family members, as well as information on any payments or other transfers of value provided to such physician owners or investors. Applicable manufacturers must report the required payment and other transfer of value information annually to CMS in an electronic format. The statute also provides that applicable manufacturers and applicable GPOs must report annually to CMS the required information about physician ownership and investment interests, including information on any payments or other transfers of value provided to physician owners or investors, in an electronic format by the same date. Applicable manufacturers and applicable GPOs are subject to civil monetary penalties (CMPs) for failing to comply with the reporting requirements of the statute. We are required by statute to publish the reported data on a public Web site. The data must be downloadable, easily searchable, and aggregated. In addition, we must submit annual reports to the Congress and each state summarizing the data reported. Finally, section 1128G of the Act generally preempts state laws that require disclosure of the same type of information by manufacturers.

We published a final rule in 2013 to implement this program, which included several information collections subject to the Paperwork Reduction Act. This information collection request is to inform the public about information collected that is necessary for registration, attestation, dispute resolution and corrections, record retention, and submitting an assumptions document within Open Payments. *Form Number:* CMS–10495 (OCN: 0938–New); *Frequency:* Once; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 451,582; *Total Annual Responses:* 451,582. *Total Annual Hours:* 949,005. (For policy questions regarding this collection contact Melissa Heesters at 410–786–0618.).

Dated: July 16, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–17476 Filed 7–19–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0838]

Compliance Policy Guide Sec. 253.100—Use of Units of Plasma and Fresh Frozen Plasma Which Have Been Thawed; Withdrawal of Compliance Policy Guide

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal of the compliance policy guide (CPG) entitled ''Sec. 253.100—Use of Units of Plasma and Fresh Frozen Plasma Which Have Been Thawed,'' issued October 1, 1980, and revised in March 1995.

DATES: The withdrawal is effective July 22, 2013.

FOR FURTHER INFORMATION CONTACT: Robert L. Hummel, Medical Products and Tobacco Policy Staff, Office of Policy and Risk Management, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857, 301–796–4510.

SUPPLEMENTARY INFORMATION: FDA issued the CPG entitled ''Sec. 253.100—Use of Units of Plasma and Fresh Frozen Plasma Which Have Been Thawed'' on October 1, 1980, and revised it in March 1995. FDA originally issued CPG Sec. 253.100 to provide FDA's current thinking regarding the time limits for when thawed frozen plasma should be used for transfusion. At the time of issuance of the CPG, 21 CFR 606.122(m)(3) provided that the instruction circular shall include, when applicable, instructions to begin administration of the product within 6 hours after thawing. The CPG noted a planned regulatory change that would allow greater flexibility in the time of administration requirements for frozen plasma products.

In a final rule published in the **Federal Register** on January 3, 2012 (77 FR 7), with an effective date of July 2, 2012, FDA modified the time limits contained in the instruction circular for when administration of thawed frozen plasma products begins, as required by 21 CFR 606.122(m)(3), to ''within a specified time after thawing.'' As noted in the preamble to the final rule, the change was made ''to provide industry with increased flexibility for developing and specifying timeframes for which thawed plasma components can still be used for transfusion if stored at

appropriate temperatures per industry standards.'' (See 77 FR 7 at 14). With this regulatory change, CPG Sec. 253.100 is obsolete.

FDA is therefore withdrawing CPG 253.100, in its entirety, to eliminate the obsolete compliance policy.

Dated: July 16, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–17531 Filed 7–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Synergizing Efforts in Standards Development for Cellular Therapies and Regenerative Medicine Products; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA), Center for Biologics Evaluation and Research (CBER), is announcing a public workshop entitled ''Synergizing Efforts in Standards Development for Cellular Therapies and Regenerative Medicine Products.'' The purpose of the public workshop is to bring together a broad range of stakeholders to discuss current and future standards development activities involving cellular therapies and regenerative medicine products.

Date and Time: The public workshop will be held on October 7, 2013, from 8:30 a.m. to 4:30 p.m.

Location: The public workshop will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. Please visit the following Web site for location, parking, security, and travel information: *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Person: Sherri Revell, Center for Biologics Evaluation and Research (HFM–49), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448, 301–827–2000, FAX: 301–827–3079, email: *CBERPublicEvents@fda.hhs.gov* (Subject line: SESDCTRMP Workshop).

Registration: Mail or fax your registration information (including name, title, firm name, address, telephone, and fax numbers) to Sherri Revell (see *Contact Person*) or email to *CBERPublicEvents@fda.hhs.gov* (Subject line: SESDCTRMP Workshop Registration) by September 23, 2013. There is no registration fee for the public workshop. Early registration is recommended because seating is limited. Registration on the day of the public workshop will be provided on a space available basis beginning at 7:30 a.m.

Streaming Webcast of the Public Workshop: For those unable to attend in person, FDA will Webcast the public workshop. To join the Webcast of the public workshop, please go to: *https://collaboration.fda.gov/sesdctrmpworkshop/.* If you have never attended an Adobe Connect meeting before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* Get a quick overview: *http://www.adobe.com/go/connectpro_overview.* Registration is not required for those attending via Adobe Connect.

If you need special accommodations due to a disability, please contact Sherri Revell (see *Contact Person*) at least 7 days in advance.

SUPPLEMENTARY INFORMATION: Standardization efforts concerning the clinical development of cellular therapies and regenerative medicine products have generated a great deal of interest. These efforts include standards development, expert opinion position papers, and professional practice guidelines. However, relatively little is done to coordinate the various existing efforts. In the public workshop, FDA hopes to bring together a broad range of stakeholders of cellular therapies and regenerative medicine products in order to:

- Inform stakeholders about the types of standards and standards organizations that are available currently, the role that the Federal Agencies play in standards development, and the potential role that stakeholders can play in standards development.
- Provide a high-level overview of current standards development activities in the fields of cellular therapy and regenerative medicine and the regulatory application of standards.
- Provide opportunity for discussion of areas of high interest for current or future standards development in the fields of cellular therapy and regenerative medicine and to explore ways to minimize redundancy and maximize collaboration.

We encourage all who have an interest in the development of cellular therapies and regenerative medicine products to attend the public workshop.

Transcripts: Please be advised that as soon as possible after a transcript of the public workshop is available, it will be accessible at: *http://www.fda.gov/BiologicsBloodVaccines/NewsEvents/WorkshopsMeetingsConferences/TranscriptsMinutes/default.htm.* Transcripts of the public workshop may also be requested in writing from the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857.

Dated: July 16, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–17528 Filed 7–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Developmental Brain Disorders.

Date: July 23, 2013.

Time: 11:00 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: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, *manospa@csr.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. 93.306, 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 16, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–17434 Filed 7–19–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Aspects of Immunity and Immunopathogenesis in AIDS.

Date: August 7, 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: Channels and Plasticity.

Date: August 14, 2013.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@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 16, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–17433 Filed 7–19–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 USC, as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Pharmacokinetic Analysis Resource Center (8914).

Date: August 8, 2013.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jose F. Ruiz, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, Room 4228, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, (301) 451–3086, *ruizjf@nida.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: July 16, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–17435 Filed 7–19–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2013–0049]

Privacy Act of 1974; Department of Homeland Security, Federal Emergency Management Agency—006 Citizen Corps Program System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records notice titled, ''Department of Homeland Security/Federal Emergency Management Agency—006 Citizen Corps Database'' and retitle it ''Department of Homeland Security/Federal Emergency Management Agency—006 Citizen Corps Program System of Records.'' This system of records allows the Department of Homeland Security/Federal Emergency Management Agency to collect and maintain records on individuals who contact the agency about their interest in specific voluntary programs, members of the Citizen Corps Program who have been assigned disaster duties, and points of contact for Citizen Corps Councils, Community Emergency Response Teams, and Citizen Corps partners. As a result of a biennial review of this system, records have been updated within the: (1) System name; (2) categories of individuals; (3) categories of records; (4) authorities; (5) purpose; (6) routine uses of information; (7) system manager and address; (8) notification procedures; and (9) records source categories. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice. This updated system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before August 21, 2013. This updated system will be effective August 21, 2013.

ADDRESSES: You may submit comments, identified by docket number DHS–2013–0049, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office,

Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, please visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Eric M. Leckey, (202) 212–5100, Privacy Officer, Federal Emergency Management Agency, Washington, DC 20472. For privacy issues please contact: Jonathan R. Cantor, (202) 343–1717, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) proposes to update and reissue a current DHS systems of records titled, ''DHS/FEMA—006 Citizen Corps Database'' and retitle it ''DHS/FEMA—006 Citizen Corps Program System of Records.''

FEMA administers the Citizen Corps Program to strengthen the collaboration with communities and to enhance their preparation and response to threats of terrorism, crime, public health issues, and disasters of all kinds. Through the Citizen Corps Program, communities can set up and register their own Councils and Community Emergency Response Team (CERT) programs.

As part of the process for reviewing the Citizen Corps application and database information technology systems, and the biennial review of the associated system of records, DHS is updating and reissuing this system of records. As a result of a biennial review of this system, records have been updated as described below:

First, the system name has been updated to more accurately align with the Citizen Corps Program and not just the technology records. Second, categories of individuals have been updated to include individuals designated as points of contacts for Citizen Corps Council, Community Emergency Response Team (CERT), and other Citizen Corps partners. Third, categories of records have been modified to include user access information and other program information collected by FEMA. Fourth, the authorities have been streamlined to more accurately reflect specific authorities for the establishment of the Citizen Corps Program. Fifth, the purpose now includes the registration of Councils, CERTs, and Citizen Corps partners; and community preparedness surveys and assessments conducted by FEMA. Sixth, the routine uses of information have been updated to include routine use (I) for sharing information with members of the public accessing the Citizen Corps Program Web site and routine use (K) for sharing information with news media and the public, with approval of the DHS Chief Privacy Officer in consultation with counsel. Additionally, routine use (A) has been modified to include former employees of DHS and to eliminate redundant language, routine use (C) has been updated to specify that information may be shared with the General Services Administration (GSA), routine uses (D) and (E) have been modified to clarify and make non-substantive grammatical changes, routine uses (H) and (J) have been updated to include the Congress and to allow sharing of information with Citizen Corps partners, respectively. Seventh, system manager and address have been updated to provide more accurate contact information. Eighth, notification procedures have been updated to reflect FEMA's internal reorganization. Lastly, record source categories have been modified to align with the system's purpose and to include additional sources of records.

Consistent with DHS' information-sharing mission, information stored in the DHS/FEMA—006 Citizen Corps Program System of Records may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, information may be shared with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

This updated system will be included in DHS' inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/FEMA—006 Citizen Corps Program System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

System of Records

Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)—006

SYSTEM NAME:

DHS/FEMA—006 Citizen Corps Program

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained within the Citizen Corps Application and Database, at the FEMA Headquarters in Washington, DC, and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals designated as the point of contact for a Council, Community Emergency Response Team (CERT), or other Citizen Corps partner organization; individuals who contact the agency about their interest in Citizen Corps programs, its partner organizations, or other volunteer activities supporting state, local, tribal, and territorial governments; individuals participating in national preparedness surveys; and individuals designated to approve Council and or CERT programs into the national registry. These individuals include members of the general public, and federal, state, local, tribal, and territorial officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

- Full name (First, last, and middle initial);
- Organization's name;
- Mailing address(es);
- Email address(es);
- Phone number(s);
- Volunteer program area and type of interest;

- Username;
- Password;
- User Type;
- Emergency preparedness training information, such as courses taken and dates of courses;
- Other CERT program information including, but not limited to, emergency support function designation, funding information for Council/CERT (e.g., Homeland Security Grant Program or other sources of funding for preparedness activities), and if CERT performs background checks on participants; and
- Community preparedness surveys and assessments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Exec. Order No. 13254, ''Establishing the USA Freedom Corps'', Jan. 29, 2002, and 31 U.S.C. 1342.

PURPOSE(S):

The purpose of this system is to allow state, local, tribal, and territorial communities to setup and register Citizen Corps Councils and CERT programs. Also, this system provides a way for individuals to locate and contact Councils, CERTs, and other Citizen Corps partners for more information regarding volunteer programs and opportunities nation-wide. Additionally, this system uses surveys to assess and enhance communities' preparedness and to improve the effectiveness of the Citizen Corps Program.

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, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including U.S. Attorney Offices, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS' efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To the USA Freedom Corps, Executive Office of the President and the U.S. Congress for the purpose of oversight of the Citizen Corps Program.

I. To individuals accessing the Citizen Corps Program Web site for the purpose of contacting Citizen Corps partners for specific Citizen Corps partner program information.

J. To organizations participating, partnering, or affiliated with the Citizen Corps Program if an individual has volunteered to assist this specific type of organization.

K. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with the General Counsel and FEMA Office of Chief Counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS' officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, and digital media.

RETRIEVABILITY:

Records may be retrieved by individual's name, mailing address, email address, or volunteer program(s) in which the respondent indicates an interest.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

Routine correspondence with governors, mayors, and other state, local, tribal, and territorial officials, as well as private citizens relating to FEMA programs will be destroyed when no longer needed in accordance with FEMA Records Schedule N1–311–86–1, Item 1B4. Records relating to establishment, organization, membership, and policy of external committees that are sponsored by FEMA, but have a membership including representatives from other federal agencies, states, local governments, and/or public citizens are permanent and will be maintained in accordance with FEMA Records Schedule N1–311–97–2, Item 1.

SYSTEM MANAGER AND ADDRESS:

Director, Individual and Community Preparedness Division, FEMA, 800 K Street NW., Washington, DC 20531.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the FEMA Disclosure Officer, 500 C Street SW., Washington, DC 20472. If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0550, Washington, DC 20528.

When seeking records about yourself from this system of records or any other FEMA system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records; and

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Records are obtained from the general public, state, local, tribal, and territorial government officials, and Citizen Corps partners.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: June 28, 2013.

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2013–17456 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–17–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2013–0051]

Privacy Act of 1974; Department of Homeland Security U.S. Citizenship and Immigration Services—011 E-Verify Program System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled ''Department of Homeland Security/United States Citizenship and Immigration Services—011 E-Verify Program System of Records.'' The United States Citizenship and Immigration Services E-Verify Program allows employers to electronically verify the employment authorization of newly hired employees. The Department of Homeland Security is updating this Privacy Act System of Records Notice for the E-Verify Program in order to provide notice that E-Verify is adding the collection of employee contact information such as email address and telephone number from employers using the recently updated Form I–9 to the ''Categories of Records.'' DHS recently updated the Form I–9 to allow an employee the option to provide his or her email address and telephone number in order to facilitate direct notification by DHS to the employee of potential mismatches between the information the employee provided on the Form I–9 and the information in DHS or Social Security Administration records. DHS is also updating Routine Use ''G'' to correct a drafting error in the E-Verify SORN previously issued in the **Federal Register** on August 8, 2012, (77 FR 47419). Finally, DHS is making some non-substantive technical changes to the Categories of Individuals, Categories of Records such as, reflecting a change in the Form I–9 collection, which previously requested ''maiden name'' and now requests ''other names used, if any,'' and updating case disposition codes (the most up-to-date codes can be found in the E-Verify Employer Manual available at *http://www.dhs.gov/e-verify*).

This updated system is included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before August 21, 2013. This updated system will be effective August 21, 2013.

ADDRESSES: You may submit comments, identified by docket number DHS–2013–0051 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Donald K. Hawkins, (202–272–8030), Privacy Officer, United States Citizenship and Immigration Services, 20 Massachusetts Avenue NW., 5th Floor, Washington,

DC, 20529. For privacy issues please contact: Jonathan R. Cantor (202–343–1717), Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue the Department of Homeland Security system of records titled, ''Department of Homeland Security/U.S. Citizenship and Immigration Services—011 E-Verify Program System of Records.'' The USCIS E-Verify Program allows employers to check citizenship status and verify employment eligibility of newly hired employees.

DHS is updating this Privacy Act System of Records Notice for the E-Verify Program in order to provide notice that E-Verify is adding the collection of employee contact information including email address and phone number from the employers using the recently updated Form I–9 to the ''Categories of Records.'' DHS recently updated the Form I–9 to allow an employee the option to provide his or her email address and telephone number in order to facilitate direct notification by DHS to the employee of potential mismatches between the information the employee provided on the Form I–9 and the information in DHS or Social Security Administration records. DHS is working to streamline E-Verify processes and improve notice to employees regarding potential mismatches. As updates to the E-Verify system take place to accommodate the collection of employee contact information, if provided by the employee and entered into E-Verify by the employer, employees will begin to receive notifications regarding potential mismatches. This employee contact information is used for the purpose of contacting the employee and does not factor into employment eligibility verifications processed through E-Verify. Additional information about the E-Verify program including employee notification and the Tentative Nonconfirmation process are available at *http://www.dhs.gov/e-verify*. DHS is also updating Routine Use ''G'' to correct a drafting error in the E-Verify SORN previously issued in the **Federal Register** on August 8, 2012, (77 FR 47419). Finally, DHS is making some non-substantive technical changes to the Categories of Individuals, Categories of Records such as, reflecting a change in the Form I–9 collection, which previously requested ''maiden name'' and now requests ''other names used, if any,'' and updating case disposition codes (the most up-to-date codes can be found in the E-Verify Employer Manual available at *http://www.dhs.gov/e-verify*).

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which the federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, the Department of Homeland Security extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/U.S. Citizenship and Immigration Services—011, E-Verify Program System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

System of Records

Department of Homeland Security (DHS)/U.S. Citizenship and Immigration Services (USCIS)—011

SYSTEM NAME:

DHS/U.S. Citizenship and Immigration Services—011—E-Verify Program

SECURITY CLASSIFICATION:

Unclassified, for official use only.

SYSTEM LOCATION:

Records are maintained at the U.S. Citizenship and Immigration Services (USCIS) Headquarters in Washington, DC and field offices; and at the DHS Stennis Data Center (DC1).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by the E-Verify program include: Employees, both U.S. Citizens and non–U.S. Citizens, whose employers have submitted to E-Verify their identification and contact information; employers who enroll in E-Verify; designated agents who enroll in E-Verify; individuals employed or retained by employers or designated agents who have accounts to use E-Verify; individuals who contact E-Verify with information on the use of E-Verify; and individuals who provide their names and contact information to E-Verify for notification or contact purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Information about the employee to be verified:

- Name (last, first, middle initial, other names used, if any);
- Date of Birth;
- Social Security Number (SSN);
- Contact information such as email address and telephone number;
- Date of Hire;
- Information related to the expiration of the three day hire;
- Awaiting SSN;
  - Technical Problems,
  - Audit Revealed New Hire Was Not Run,
  - Federal Contractor With E-Verify Clause Verifying Existing Employees,
  - Other
- Claimed Citizenship Status;
- Acceptable Form I–9 document type;
- Expiration Date of Acceptable Form I–9 Document;
- State or jurisdiction of issuance of identity document when that document is a driver's license, driver's permit, or state-issued identification (ID) card;
- Passport Number and Country of Issuance;
- Driver's license number, driver's permit number, or state-issued ID number if issued by a state or jurisdiction participating in the Records and Information from Departments of Motor Vehicles for E-Verify (RIDE) program and when a Memorandum of Agreement (MOA) exists between the state or jurisdiction and DHS USCIS to verify the information about the document;
- Receipt Number;
- Visa Number;
- A-Number;
- I–94 Number;
- Employment Authorization Document (Form I–766) Number;
- Permanent Residence Card (Form I–551) Number Photographs, if required by secondary verification.

B. Disposition data from the employer. The following codes are entered by the employer based on what the employer does as a result of the employment verification information (the most up-to-date disposition codes can be found in the E-Verify Employer

Manual available at *http://www.dhs.gov/E-Verify*):

- The employee continues to work for the employer after receiving and Employment Authorized result: Employer selects this option based on receiving an Employment Authorized response from E-Verify;
- The employee continues to work for the employer after receiving a Final Non-confirmation (FNC) result: Employer selects this option based on the employee getting an FNC despite the employee contesting the Tentative Non-confirmation (TNC) and the employer retains the employee;
- The employee continues to work for the employer after receiving a No Show result: Employer selects this option based on the employee getting a TNC but the employee did not try to resolve the issue with the Social Security Administration (SSA) or DHS and the employer retains the employee;
- The employee continues to work for the employer after choosing not to contest a TNC: Employer selects this option when the employee does not contest the TNC but the employer retains the employee;
- The employee was terminated by the employer for receiving a FNC result: Employer selects this option when employee receives FNC and is terminated;
- The employee was terminated by the employer for receiving a No Show result: Employer selects this option when employee did not take an action to resolve and is terminated;
- The employee was terminated by the employer for choosing not to contest a TNC: Employer selects this option when employee does not contest the TNC and is terminated;
- The employee voluntarily quit working for the employer: Employer selects this option when employee voluntarily quits job without regard to E-Verify;
- The employee was terminated by the employer for reasons other than E-Verify: Employer selects this option when employee is terminated for reasons other than E-Verify;
- The case is invalid because another case with the same data already exists: Employer selects this option when the employer ran an invalid query because the information had already been submitted;
- The case is invalid because the data entered is incorrect: Employer selects this option when the employer ran an invalid query because the information was incorrect.

C. Information about the Employer or Designated Agent:

- Company Name;
- Street Address;
- Employer Identification Number;
- North American Industry Classification System (NAICS) Code;
- Number of Employees;
- Number of Sites;
- Parent Company or Corporate Company;
- Name of Company Point of Contact;
- Phone Number;
- Fax Number;
- E-Mail Address.

D. Information about the Individual Employer User of E-Verify: (e.g., Human Resource employee conducting E-Verify queries):

- Last Name;
- First Name;
- Middle Initial;
- Phone Number;
- Fax Number;
- Email Address;
- User ID.

E. Employment Eligibility Information created by E-Verify:

- Case Verification Number;
- VIS Response (the most up-to-date codes can be found in the E-Verify Employer Manual available at *http://www.dhs.gov/E-Verify*):
  - Employment Authorized,
  - DHS Verification in Process,
  - SSA TNC,
  - DHS TNC,
  - Employee Referred to SSA,
  - Employee Referred to DHS,
  - SSA Case in Continuance (In rare cases SSA needs more than 10 federal government workdays to confirm employment eligibility),
  - DHS Case in Continuance (In rare cases DHS needs more than 10 federal government workdays to confirm employment eligibility),
  - SSA FNC,
  - DHS FNC,
  - DHS No Show,
  - Case Incomplete,
  - Photo Matching Required,
  - Review and Update Employee Data,
  - Error: Close Case and Resubmit.

F. Information from state Motor Vehicle Agencies (MVA) used to verify of the information from a driver's license, permit, or state issued ID card if the state has established a MOA with DHS USCIS to allow verification of this information. The categories of records from MVAs may include:

- Last Name;
- First Name;
- State or Jurisdiction of Issuance;
- Document Type;
- Document Number;
- Date of Birth;
- Status Text;
- Status Description Text;
- Expiration Date.

G. Information from federal databases used to verify employment eligibility may contain some or all of the following information about the individual being verified:

- Last Name;
- First Name;
- Middle Name;
- Other Names Used (e.g., Maiden Name);
- Date of Birth;
- Age;
- Country of Birth;
- Country of Citizenship;
- Alien Number;
- SSN;
- Citizenship Number;
- Receipt Number;
- Address;
- Previous Address;
- Phone Number;
- Nationality;
- Gender;
- Photograph;
- Date Entered United States;
- Class of Admission;
- File Control Office Code;
- Form I–94 Number;
- Provision of Law Cited for Employment Authorization;
- Office Code Where the Authorization Was Granted;
- Date Employment Authorization Decision Issued;
- Date Employment Authorization Begins;
- Date Employment Authorization Expires;
- Date Employment Authorization Denied;
- Confirmation of Employment Eligibility;
- TNC of Employment Eligibility and Justification;
- FNC of Employment Eligibility;
- Status of Department of Justice Executive Office Immigration Review System (EOIR) Information, if in Proceedings;
- Date Alien's Status Changed;
- Class of Admission Code;
- Date Admitted Until;
- Port of Entry;
- Departure Date;
- Visa Number;
- Passport Number;
- Passport Information including Country of Issuance (COI);
- Passport Card Number;
- Form Number, for example Form I–551 (Lawful Permanent Resident card) or Form I–766 (Employment Authorization Document);
- Expiration Date;
- Employment Authorization Card Information;
- Lawful Permanent Resident Card Information;
- Petitioner Internal Revenue Service Number;
- Class of Admission;

- Valid To Date;
- Student Status;
- Visa Code;
- Status Code;
- Status Change Date;
- Port of Entry Code;
- Non-Citizen Entry Date;
- Program End Date;
- Naturalization Certificate Number;
- Naturalization Date and Place;
- Naturalization Information and Certificate;
- Naturalization Verification (Citizenship Certificate Identification ID);
- Naturalization Verification (Citizenship Naturalization Date/Time);
- Immigration Status (Immigration Status Code);
- Federal Bureau of Investigation Number;
- Admission Number;
- Petitioner Firm Name;
- Petitioner Tax Number;
- Date of Admission;
- Marital Status;
- Marriage Date and Place;
- Marriage Information and Certificate;
- Visa Control Number;
- Visa Foil Number;
- Class of Admission;
- Case History;
- Alerts;
- Case Summary Comments;
- Case Category;
- Date of Encounter;
- Encounter Information;
- Case Actions & Decisions;
- Bonds;
- Current Status;
- Asylum Applicant Receipt Date;
- Airline and Flight Number;
- Country of Residence;
- City Where Boarded;
- City Where Visa was Issued;
- Date Visa Issued;
- Address While in United States;
- File Number;
- File Location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for having a system for verification of employment eligibility is found in The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104–208 (1996).

PURPOSE(S):

This system provides employment authorization information to employers participating in E-Verify. It may also be used to support monitoring and compliance activities for obtaining information in order to prevent the commission of fraud, discrimination, or other misuse or abuse of the E-Verify system, including violation of privacy laws or other illegal activity related to misuse of E-Verify, including:

- Investigating duplicate registrations by employers;
- Inappropriate registration by individuals posing as employers;
- Verifications that are not performed within the required time limits; and
- Cases referred by and between E-Verify and the Department of Justice Office of Special Counsel for Immigration-Related Unfair Employment Practices, or other law enforcement entities.

Additionally, the information in E-Verify may be used for program management and analysis, program outreach, customer service, and preventing or deterring further use of stolen identities in E-Verify.

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, all or a portion of the records or information contained in this system may be disclosed outside the Department of Homeland Security as a routine use pursuant to 5 U.S.C. 552a(b)(3). Any disclosure of information must be made consistent with the official duties of the person making the disclosure. The routine uses are as follows:

A. To the Department of Justice (DOJ), including U.S. Attorney Offices, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. any employee of DHS in his/her official capacity;
3. any employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. the U.S. or any agency thereof.

B. To a congressional office from the record of an individual in response to a written inquiry from that congressional office made pursuant to a Privacy Act waiver from the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. DHS 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 DHS or another agency or entity) or harm to the individual that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of the E-Verify program, which includes potential fraud, discrimination, or employment based identity theft and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To employers participating in the E-Verify Program in order to verify the employment eligibility of their employees working in the United States.

I. To the American Association of Motor Vehicle Administrators Network and participating MVAs for the purpose of validating information for a driver's license, permit, or identification card issued by the Motor Vehicle Agency of states or jurisdictions who have signed a Memorandum of Agreement with DHS under the Records and Information from Departments of Motor Vehicles for E-Verify (RIDE) program.

J. To the DOJ, Civil Rights Division, for the purpose of responding to matters

within the DOJ's jurisdiction of the E-Verify Program, especially with respect to discrimination.

K. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD–ROM.

RETRIEVABILITY:

Records may be retrieved by name, verification case number, Alien Number, I–94 Number, Receipt Number, Passport (U.S. or Foreign) Number and COI, Driver's License, Permit, or State-Issued Identification Card Number, or SSN of the employee, employee user, or by the submitting company name.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

The retention and disposal schedule, N1–566–08–7 has been approved by the National Archives and Records Administration. Records collected in the process of enrolling in E-Verify and in verifying employment eligibility are stored and retained in E-Verify for ten (10) years from the date of the completion of the last transaction, unless the records are part of an on-going investigation in which case they may be retained until completion of the investigation. This period is based on the statute of limitations for most types of misuse or fraud possible using E-Verify (under 18 U.S.C. § 3291, the statute of limitations for false statements or misuse regarding passports, citizenship, or naturalization documents).

SYSTEM MANAGER AND ADDRESS:

Chief, Verification Division, U.S. Citizenship and Immigration Services (USCIS), Washington, DC 20528.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the U.S. Citizenship and Immigration Services (USCIS), Freedom of Information Act (FOIA) Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''contacts.'' If an individual believes more than one component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive, SW., Building 410, STOP–0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov* or 1–866–431–0486. In addition you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records; and

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Records are obtained from several sources including:

(A) Information collected from employers about their employees relating to employment eligibility verification;

(B) Information collected from E-Verify users used to provide account access and monitoring;

(C) Information collected from Federal and state databases listed below:

- SSA Numident System,
- CBP Nonimmigrant Information System (NIIS) and Border Crossing Information (BCI),
- ICE Student and Exchange Visitor Identification System (SEVIS),
- ICE ENFORCE Integrated Database (EID) Enforcement Alien Removal, Module (EARM) Alien Number,
- USCIS Aliens Change of Address System (AR–11),
- USCIS Central Index System (CIS),
- USCIS Customer Profile Management System (CPMS),
- USCIS Computer-Linked Application Information Management System Version 3 (CLAIMS 3),
- USCIS Computer-Linked Application Information Management System Version 4 (CLAIMS 4),
- USCIS Citizenship and Immigration Services Centralized Operational Repository (CISCOR),
- USCIS National File Tracking System (NFTS),
- USCIS Microfilm Digitization Application System (MiDAS),
- USCIS Marriage Fraud Amendment System (MFAS),
- USCIS Enterprise Document Management System (EDMS),
- USCIS Refugees, Asylum, and Parole System (RAPS),
- OBIM Arrival Departure Information System (ADIS),
- Department of State Consular Consolidated Database (CCD),

• Department of Justice Executive Office Immigration Review (EOIR) Case Access System,

• State Motor Vehicle Administrations, if participating in the E-Verify RIDE initiative,

(D) Information created by E-Verify.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2013–17451 Filed 7–19–13; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0024; OMB No. 1660–0022]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the application for the National Flood Insurance Program's Community Rating System program. This program allows communities to become eligible for discounts on the cost of flood insurance when they undertake activities to mitigate anticipated damage due to flooding. The application materials verify and document the community mitigation activities performed and provide the Federal Emergency Management Agency with the information necessary to determine if flood insurance premium discounts are appropriate for participating communities. CRS credits have been added in numerous areas that contribute to the protection of salmonid habitat.

DATES: Comments must be submitted on or before September 20, 2013.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2013–0024. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal Rulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bill Lesser, Program Specialist, Federal Insurance and Mitigation Administration, at (202) 646–2807 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA-Information-Collections@dhs.gov.*

SUPPLEMENTARY INFORMATION: Section 541 of the National Flood Insurance Reform Act (NFIRA) of 1994, 42 U.S.C. 4022, requires that a community rating system be established. This ratings system is a voluntary program for communities and it would provide a method by which flood mitigation activities engaged in by these communities could be measured. The effect of this mitigation activity would reduce the exposure of the communities to damages resulting from flooding and in turn reduce the losses incurred as a result of this flooding. To encourage participation, discounts on flood insurance are offered within communities that successfully complete qualified mitigation actions, and the community ratings system provides the ability to measure these actions and to recertify the communities in successive years.

CRS credits have been added in numerous areas that contribute to the protection of salmonid habitat. Credit has been newly provided—or increased—for habitat preservation and protection related to salmonids in several areas. These include new credits for public outreach related to endangered species, open space preservation, higher regulatory standards that can include protective practices such as zoning that protect salmonid, and developing floodplain management plans. Low Impact Development and volume control credits were added to Stormwater Management. Incorporating low impact development practices will result in cleaner rainwater runoff. It will also delay urban runoff into floodplains, resulting in reduced stormwater volume that can otherwise have a detrimental scouring impact on a stream's health and its ability to support species.

Open Space credits were added for areas that include habitat for threatened and endangered species under Natural Functions Open Space. This incentive is designed to motivate local governments to protect lands that enhance the habitat of threatened and endangered species. Credits have been added under Open Space Preservation, Natural Shoreline Protection, to encourage communities to actively manage riparian lands to preserve and sustain biologic functions. Flood Protection points have been reduced for structural flood control features to encourage communities to seek flood risk reduction solutions that result in establishing new open space areas rather than continuing to support intensively developed floodplains. Dismantling or setting back levees in such a way that results in creation of open space will earn significantly more CRS points than previously available. Levee Credit Activity as well as credit for channel maintenance include a requirement for maintenance activities to be compliant with environmental and historic preservation laws and executive orders, including integration of vegetative management practices. A new CRS Class 4 prerequisite has been established requiring a CRS Class 4 or better community to have at least 100 points for activities that protect natural floodplain functions.

Collection of Information

Title: Community Rating System (CRS) Program—Application Worksheets and Commentary.

Type of Information Collection: Revision of a currently approved information collection.

FEMA Forms: FEMA Form 086–0–35, Community Rating System Application Letter of Interest and Quick Check Instructions; FEMA Form 086–0–35A, Community Annual Recertification; and FEMA Form 086–0–35B, Environmental and Historic Preservation Certifications.

Abstract: The CRS Application and Certifications are used by communities that participate in the National Flood Insurance Program's (NFIP) Community Rating System (CRS) to document the

activities that communities have undertaken to mitigate against future flood losses. The CRS Application and Certifications provide a step-by-step process for communities to follow in their effort to achieve the maximum amount of discount on flood insurance premiums. CRS is a voluntary program where flood insurance costs are reduced in communities that implement practices, such as building codes and public education activities, that are recognized as reducing risks of flooding and promoting the purchase of flood insurance.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 1,274.

Number of Responses: 1,274.

Estimated Total Annual Burden Hours: 32,908.

Estimated Cost: There are no estimated operational, maintenance, capital or start-up costs associated with this information collection.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Dated: July 15, 2013.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2013–17446 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

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

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Oklahoma: Tulsa (FEMA Docket No.: B–1297).	City of Tulsa (12–06–4004P).	The Honorable Dewey F. Bartlett, Jr., Mayor, City of Tulsa, 175 East 2nd Street, Suite 690, Tulsa, OK 74103.	Stormwater Design Office, 2317 South Jackson, Suite 302, Tulsa, OK 74107.	April 26, 2013	405381
Texas:					
Bexar (FEMA Docket No.: B–1297).	City of San Antonio (12–06–4032P).	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Municipal Plaza, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	April 18, 2013	480045

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Bexar (FEMA Docket No.: B–1297).	Unincorporated areas of Bexar County (12–06–2059P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos—La Trinidad Street, Suite 420, San Antonio, TX 78207.	April 17, 2013	480035
Tarrant (FEMA Docket No.: B–1305).	City of Fort Worth (12–06–0224P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 1000 Throckmorton Street, Fort Worth, TX 76102.	May 2, 2013	480596
Tarrant (FEMA Docket No.: B–1305).	City of Saginaw (12–06–0224P).	The Honorable Gary Brinkley, Mayor, City of Saginaw, 400 South Saginaw Boulevard, Saginaw, TX 76179.	Public Works and Community Development, 205 Brenda Lane, Saginaw, TX 76179.	May 2, 2013	480610
Virginia: Loudoun (FEMA Docket No.: B–1297).	Unincorporated areas of Loudoun County (12–03–1200P).	The Honorable Scott K. York, Chairman-at-Large, Loudoun County Board of Supervisors, 1 Harrison Street Southeast, 5th Floor, Mailstop 1, Leesburg, VA 20175.	Loudoun County Building and Development Department, 1 Harrison Street Southeast, Leesburg, VA 20175.	April 18, 2013	510090

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

Dated: July 2, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17461 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002: Internal Agency Docket No. FEMA–B–1331]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are

accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Texas:						
Dallas	City of DeSoto (12–06–3277P).	The Honorable Carl Sherman, Mayor, City of DeSoto, 211 East Pleasant Run Road, DeSoto, TX 75115.	Development Services Department, 211 East Pleasant Run Road, DeSoto, TX 75115.	*http://www.rampp-team.com/lomrs.htm.*	June 20, 2013	480172
	City of Lancaster (12–06–3277P).	The Honorable Marcus E. Knight, Mayor, City of Lancaster, 211 North Henry Street, Lancaster, TX 75146.	City Hall, 211 North Henry Street, Lancaster, TX 75146.	*http://www.rampp-team.com/lomrs.htm.*	June 20, 2013	480182
Denton	City of Frisco (12–06–3923P).	The Honorable Maher Maso, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	City Hall, 6101 Frisco Square Boulevard, Frisco, TX 75034.	*http://www.rampp-team.com/lomrs.htm.*	September 3, 2013	480134
Harris	City of Pasadena (13–06–0356P).	The Honorable John Isbell, Mayor, City of Pasadena, 1211 Southmore Avenue, Pasadena, TX 77502.	1201 Jeff Ginn Memorial Drive, Pasadena, TX 77502.	*http://www.rampp-team.com/lomrs.htm.*	August 30, 2013	480307
Johnson	City of Burleson (12–06–3813P).	The Honorable Ken D. Shetter, Mayor, City of Burleson, 141 West Renfro Street, Burleson, TX 76028.	141 West Renfro Street, Burleson, TX 76028.	*http://www.rampp-team.com/lomrs.htm.*	August 29, 2013	485459
Travis	Unincorporated areas of Travis County (13–06–0775P).	The Honorable Samuel T. Biscoe, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Permits Counter, 700 Lavaca Street, Suite 547, Austin, TX 78701.	*http://www.rampp-team.com/lomrs.htm.*	August 26, 2013	481026
Virginia:						
Fairfax	Unincorporated areas of Fairfax County (13–03–0311P).	The Honorable Sharon Bulova, Chairman-at-Large, Fairfax County Board of Supervisors, 12000 Government Center Parkway, Suite 530, Fairfax, VA 22035.	Fairfax County Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, VA 22035.	*http://www.rampp-team.com/lomrs.htm.*	July 11, 2013	515525

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

Dated: July 2, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17453 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1328]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering

Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Alabama:						
Jefferson	City of Leeds (12–04–8094P).	The Honorable David Miller, Mayor, City of Leeds, 1040 Park Drive, Leeds, AL 35094.	City Hall, 100 9th Street, Southeast, Leeds, AL 35094.	*http://www.bakeraecom.com/index.php/alabama/jefferson-3/.*	August 5, 2013	010125
Arizona:.						
Maricopa	City of Glendale (12–09–3189P).	The Honorable Jerry Weiers, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	City Hall, 5850 West Glendale Avenue, Glendale, AZ 85301.	*http://www.r9map.org/Docs/12-09-3189P-040045-102D.pdf.*	August 2, 2013	040045
Arizona:.						
Maricopa	City of Glendale (13–09–0598P).	The Honorable Jerry Weiers, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	City Hall, 5850 West Glendale Avenue, Glendale, AZ 85301.	*http://www.r9map.org/Docs/13-09-0598P-040045-102D.pdf.*	August 9, 2013	040045
Maricopa	City of Peoria (12–09–2079P).	The Honorable Bob Barrett, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	*http://www.r9map.org/Docs/12-09-2079P-040050-102IAC.pdf.*	July 12, 2013	040050
Maricopa	City of Phoenix (13–09–0598P).	The Honorable Greg Stanton, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003.	Street Transportation, Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	*http://www.r9map.org/Docs/13-09-0598P-040051-102D.pdf.*	August 9, 2013	040051
Maricopa	Unincorporated areas of Maricopa County (12–09–3189P).	The Honorable Andy Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*http://www.r9map.org/Docs/12-09-3189P-040037-102D.pdf.*	August 2, 2013	040037
Maricopa	Unincorporated areas of Maricopa County (13–09–0598P).	The Honorable Andy Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*http://www.r9map.org/Docs/13-09-0598P-040037-102D.pdf.*	August 9, 2013	040037
Yuma	Unincorporated areas of Yuma County (12–09–2329P).	The Honorable Gregory S. Ferguson, Chairman, Yuma County Board of Supervisors, 198 South Main Street, Yuma, AZ 85364.	Department of Development Services, 2351 West 26th Street, Yuma, AZ 85364.	*http://www.r9map.org/Docs/12-09-2329P-040099-102IAC.pdf.*	August 9, 2013	040099
California:						
Los Angeles	City of Santa Clarita (12–09–2819P).	The Honorable Bob Kellar, Mayor, City of Santa Clarita, 23920 Valencia Boulevard, Santa Clarita, CA 91355.	City Hall, 23920 Valencia Boulevard, Suite 300, Santa Clarita, CA 91355.	*http://www.r9map.org/Docs/12-09-2819P-060729-102IAC.pdf.*	August 9, 2013	060729

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
San Bernardino	City of Redlands (12–09–0729P).	The Honorable Pete Aguilar, Mayor, City of Redlands, P.O. Box 3005, Redlands, CA 92373.	City Hall, 35 Cajon Street, Redlands, CA 92373.	*http://www.r9map.org/Docs/12-09-0729P-060279-102IAC.pdf.*	August 2, 2013	060279
San Bernardino	City of San Bernardino (12–09–0729P).	The Honorable Patrick J. Morris, Mayor, City of San Bernardino, 300 North D Street, 6th Floor, San Bernardino, CA 92418.	Water Department, 399 Chandler Place, San Bernardino, CA 92408.	*http://www.r9map.org/Docs/12-09-0729P-060281-102IAC.pdf.*	August 2, 2013	060281
Ventura	City of Simi Valley (13–09–1538P).	The Honorable Bob Huber, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	City Hall, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	*http://www.r9map.org/Docs/13-09-1538P-060421-102IAC.pdf.*	August 16, 2013	060421
Sierra	Unincorporated areas of Sierra County (13–09–0454P).	The Honorable Scott A. Schlefstein, Chairman, Sierra County Board of Supervisors, P.O. Drawer D, Downieville, CA 95936.	Sierra County Department of Planning, Sierra County Courthouse Annex, 101 Courthouse Square, Downieville, CA 95936.	*http://www.r9map.org/Docs/13-09-0454P-060630-102IAC.pdf.*	August 16, 2013	060630
Colorado:						
Adams	City of Thornton (13–08–0065P).	The Honorable Heidi Williams, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	City Hall, 12450 Washington Street, Thornton, CO 80241.	*http://www.bakeraecom.com/index.php/colorado/adams/.*	July 26, 2013	080007
Boulder	Unincorporated areas of Boulder County (13–08–0273P).	The Honorable Cindy Domenico, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80306.	*http://www.bakeraecom.com/index.php/colorado/boulder/.*	August 2, 2013	080023
Denver	City and County of Denver (13–08–0098P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	Public Works Department, 201 West Colfax Avenue, Denver, CO 80202.	*http://www.bakeraecom.com/index.php/colorado/denver/.*	August 9, 2013	080046
Douglas	Unincorporated areas of Douglas County (13–08–0136P).	The Honorable Jill Repella, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Department of Public Works, Engineering Division, 100 3rd Street, Castle Rock, CO 80104.	*http://www.bakeraecom.com/index.php/colorado/douglas-2/.*	August 9, 2013	080049
Florida:						
Lee	Unincorporated areas of Lee County (12–04–4132P).	The Honorable Cecil L. Pendergrass, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, 2nd Floor, Fort Myers, FL 33901.	*http://www.bakeraecom.com/index.php/florida/lee-5/.*	August 16, 2013	125124
Orange	City of Orlando (13–04–0940P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32808.	One City Commons, 400 South Orange Avenue, Orlando, FL 32801.	*http://www.bakeraecom.com/index.php/florida/orange-2/.*	August 2, 2013	120186
Sarasota	Unincorporated areas of Sarasota County (13–04–1684P).	The Honorable Carolyn Mason, Chair, Sarasota County Commission, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Operations Center, 1001 Sarasota Center Boulevard, Sarasota, FL 34236.	*http://www.bakeraecom.com/index.php/florida/sarasota/.*	August 9, 2013	125144
Sarasota	Unincorporated areas of Sarasota County (13–04–1985P).	The Honorable Carolyn Mason, Chair, Sarasota County Commission, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Operations Center, 1001 Sarasota Center Boulevard, Sarasota, FL 34236.	*http://www.bakeraecom.com/index.php/florida/sarasota/.*	August 23, 2013	125144
Nevada:						
Washoe	Unincorporated areas of Washoe County (13–09–0552P).	The Honorable David Humke, Chairman, Washoe County Board of Commissioners, P.O. Box 11130, Reno, NV 89520.	Washoe County Administration Building, Department of Public Works, 1001 East 9th Street, Reno, NV 89512.	*http://www.r9map.org/Docs/13-09-0552P-320019-102IAC.pdf.*	August 23, 2013	320019
South Carolina:						
Charleston	City of Folly Beach (12–04–6719P).	The Honorable Tim Goodwin, Mayor, City of Folly Beach, P.O. Box 1692, Folly Beach, SC 29439.	City Hall, 21 Center Street, Folly Beach, SC 29439.	*http://www.bakeraecom.com/index.php/southcarolina/charleston-2/.*	July 26, 2013	455415
Georgetown	Unincorporated areas of Georgetown County (12–04–7938P).	The Honorable Johnny Morant, Chairman, Georgetown County Council, P.O. Drawer 437, Georgetown, SC 29442.	Georgetown County Courthouse, 129 Screven Street, Georgetown, SC 29440.	*http://www.bakeraecom.com/index.php/southcarolina/georgetown/.*	August 12, 2013	450085

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Utah:						
Davis	City of Kaysville (13–08–0218P).	The Honorable Steve A. Hiatt, Mayor, City of Kaysville, 697 North 240 East, Kaysville, UT 84037.	City Hall, 3 East Center, Kaysville, UT 84037.	*http://www.bakeraecom.com/index.php/utah/davis/.*	August 2, 2013	490046

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

Dated: July 2, 2013.

Roy Wright,

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

[FR Doc. 2013–17463 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of November 6, 2013 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

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

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

Community	Community map repository address
City of Homer, Alaska	
FEMA–B–1264	
City of Homer	City Hall, 491 East Pioneer Avenue, Homer, AK 99603.

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

Dated: July 2, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17459 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures

that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of November 20, 2013 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

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

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

I. Non-watershed-based studies:

Community	Community map repository address
Leon County, Texas, and Incorporated Areas Docket No.: FEMA–B–1255	
City of Buffalo	City Hall, 144 Avant Street, Buffalo, TX 75831.
City of Centerville	City Hall, 325 East St. Marys, Centerville, TX 75833.
City of Jewett	City Hall, 114 North Broadway, Jewett, TX 75846.
City of Marquez	City Hall, 320 South Austin Street, Marquez, TX 77865.
City of Normangee	City Hall, 107 Main Street, Normangee, TX 77871.
Town of Leona	Town Hall, 169 Highway 977 East, Leona, TX 75850.
Town of Oakwood	Town Hall, 135 East Broad Street, Oakwood, TX 75855.
Unincorporated Areas of Leon County	Leon County Judge's Office, 130 East St. Marys, Centerville, TX 75833.

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

Dated: June 28, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17454 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of November 20, 2013 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these

changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

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

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

Community	Community map repository address
Macomb County, Michigan (All Jurisdictions) **Docket No.: FEMA–B–1267**	
Charter Township of Shelby	Building Department, 52700 Van Dyke Avenue, Shelby Township, MI 48316.
Township of Macomb	Town Hall, 54111 Broughton Road, Macomb, MI 48042.
Township of Washington	Township Office, 57900 Van Dyke Avenue, Washington, MI 48094.

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

Dated: June 28, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17448 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002: Internal Agency Docket No. FEMA–B–1330]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before October 21, 2013.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1330, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an

appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
Riverside County, California, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Beaumont	Civic and Community Center, 550 East 6th Street, Beaumont, CA 92223.
City of Menifee	Public Works-Engineering Department, 29714 Haun Road, Menifee, CA 92586.
City of Perris	Engineering Department, 170 Wilkerson Avenue, Perris, CA 92570.
Unincorporated Areas of Riverside County	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92502.
Ventura County, California, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Ojai	City Hall, 401 South Ventura Street, Ojai, CA 93024.
Unincorporated Areas of Ventura County	Ventura County Hall of Administration, 800 South Victoria Avenue, Ventura, CA 93009–1210.

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

Dated: June 28, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17450 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1336]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before October 21, 2013.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1336, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are

provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
Riley County, Kansas, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Manhattan	City Hall, 1101 Poyntz Avenue, Manhattan, KS 66502.
City of Ogden	City Hall, 222 Riley Avenue, Ogden, KS 66517.
City of Riley	City Hall, 902 West Walnut Street, Riley, KS 66531.
Unincorporated Areas of Riley County	County Office Building, 110 Courthouse Plaza, Manhattan, KS 66502.

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

Dated: June 28, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17437 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1334]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before October 21, 2013.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1334, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the

flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf*.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
Atchison County, Kansas, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Atchison	City Hall, 515 Kansas Avenue, Atchison, KS 66002.
City of Huron	City Hall, 206 South 3rd Street, Huron, KS 66041.
City of Muscotah	City Hall, 604 Kansas Avenue, Muscotah, KS 66058.
Unincorporated Areas of Atchison County	County Courthouse, 423 North 5th Street, Atchison, KS 66002.
Dukes County, Massachusetts, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Town of Aquinnah	Town Hall, 65 State Road, Aquinnah, MA 02535.
Town of Chilmark	Town Hall, 401 Middle Road, Chilmark, MA 02535.
Town of Edgartown	Town Hall, 70 Main Street, Edgartown, MA 02539.
Town of Gosnold	Gosnold Town Hall, 28 Tower Hill Road, Cuttyhunk Island, MA 02713.
Town of Oak Bluffs	Town Hall, 56 School Street, Oak Bluffs, MA 02557.
Town of Tisbury	Town Hall, 51 Spring Street, Vineyard Haven, MA 02568.
Town of West Tisbury	Town Hall, 1059 State Road, West Tisbury, MA 02575.
Tribe of Wampanoag of Gay Head (Aquinnah)	20 Black Brook Road, Aquinnah, MA 02535.
Essex County, Massachusetts (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Beverly	City Hall, 191 Cabot Street, Beverly, MA 01915.
City of Gloucester	City Hall, 9 Dale Avenue, Gloucester, MA 01930.
City of Lynn	City Hall, 3 City Hall Square, Lynn, MA 01901.
City of Newburyport	City Hall, 60 Pleasant Street, Newburyport, MA 01950.
City of Salem	City Hall, 93 Washington Street, Salem, MA 01970.
Town of Essex	Town Hall, 30 Martin Street—2nd Floor, Essex, MA 01929.
Town of Ipswich	Town Hall, 25 Green Street, Ipswich, MA 01938.
Town of Manchester-By-The-Sea	Town Hall, 10 Central Street, Manchester-by-the-Sea, MA 01944.
Town of Marblehead	Town Hall, 188 Washington Street, Marblehead, MA 01945.
Town of Nahant	Town Hall, 334 Nahant Road, Nahant, MA 01908.
Town of Newbury	Town Hall, 25 High Road, Newbury, MA 01951.
Town of Rockport	Town Hall, 34 Broadway, Rockport, MA 01966.
Town of Rowley	Town Hall, 139 Main Street, Rowley, MA 01969.
Town of Saugus	Town Hall, 298 Central Street, Saugus, MA 01906.
Town of Swampscott	Town Hall, 22 Monument Avenue, Swampscott, MA 01907.

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

Dated: July 2, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17442 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1333]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment

regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before October 21, 2013.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1333, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
Bristol County, Massachusetts (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionI/NewBedford-FairhavenMAlevee/Preliminary%20Maps/Forms/AllItems.aspx.*	
City of New Bedford	City Hall, 133 William Street, New Bedford, MA 02740.
Town of Acushnet	Town Hall, 122 Main Street, Acushnet, MA 02743.
Town of Fairhaven	Town Hall, 40 Center Street, Fairhaven, MA 02719.

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

Dated: June 28, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17441 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1339]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and

where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before October 21, 2013.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1339, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
Weld County, Colorado, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Dacono	City Hall, 512 Cherry Street, Dacono, CO 80514.
City of Evans	City Hall, 110 37th Street, Evans, CO 80620.
City of Fort Lupton	City Hall, 130 South McKinley Avenue, Fort Lupton, CO 80621.
City of Greeley	City Hall, 1000 10th Street, Greeley, CO 80631.
Town of Ault	Town Hall, 201 1st Street, Ault, CO 80610.
Town of Eaton	Town Hall, 223 First Street, Eaton, CO 80615.
Town of Firestone	Town Hall, 151 Grant Avenue, Firestone, CO 80520.
Town of Frederick	Town Hall, 401 Locust Street, Frederick, CO 80530.
Town of Gilcrest	Town Hall, 304 8th Street, Gilcrest, CO 80623.
Town of Hudson	Town Hall, 557 Ash Street, Hudson, CO 80642.
Town of Keenesburg	Town Hall, 140 South Main Street, Keenesburg, CO 80643.
Town of La Salle	Town Hall, 128 North 2nd Street, La Salle, CO 80645.
Town of Mead	Town Hall, 441 3rd Street, Mead, CO 80542.
Town of Milliken	Town Hall, 1101 Broad Street, Milliken, CO 80543.
Town of Nunn	Town Hall, 185 Lincoln Avenue, Nunn, CO 80648.
Town of Pierce	Town Hall, 240 Main Street, Pierce, CO 80650.
Town of Platteville	Town Hall, 400 Grand Avenue, Platteville, CO 80651.
Town of Severance	Town Hall, 231 West 4th Avenue, Severance, CO 80546.
Town of Windsor	Town Hall, 301 Walnut Street, Windsor, CO 80550.
Unincorporated Areas of Weld County	County Commissioner's Office, 915 10th Street, Greeley, CO 80632.

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

Dated: June 28, 2013.

Roy E. Wright,

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

[FR Doc. 2013–17439 Filed 7–19–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2013–N147; FXES11150200000–134–FF02ENEH00]

Final Candidate Conservation Agreement with Assurances, Final Environmental Assessment, and Finding of No Significant Impact; Rio Grande Cutthroat Trout, New Mexico and Colorado

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), make available the final Candidate Conservation Agreement with Assurances (CCAA) for the Rio Grande cutthroat trout (*Oncorhynchus clarki virginialis*) in New Mexico and Colorado, as well as the final environmental assessment (EA) and the draft Finding of No Significant Impact (FONSI) under the National Environmental Policy Act of 1969 (NEPA). Vermejo Park, LLC d/b/a Vermejo Park Ranch applied for an enhancement of survival permit pursuant to the Endangered Species Act of 1973, as amended (Act). The permit application included a draft CCAA between the Service and Vermejo Park Ranch for the Rio Grande cutthroat trout in Taos County, New Mexico, and Costilla County, Colorado. Our decision is to authorize the issuance of an enhancement of survival permit to Vermejo Park Ranch for implementation of the CCAA (Preferred Alternative described below).

DATES: We will issue a FONSI and make a final permit decision with the publication of this notice.

ADDRESSES: For where to view documents, see Availability of Documents in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Wally Murphy, Field Supervisor, by U.S. mail at U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Rd NE., Albuquerque, New Mexico, 87113, or by telephone at 505–346–2525.

SUPPLEMENTARY INFORMATION: We announce the availability of the final CCAA for the Rio Grande cutthroat trout, final EA, and FONSI, which we developed in compliance with the agency decision-making requirements of NEPA. All alternatives have been described in detail, evaluated, and analyzed in our May 2013 final EA and the final CCAA.

Based on our review of the alternatives and their environmental consequences as described in our final EA, we have selected Alternative 2, the proposed CCAA for the Rio Grande cutthroat trout (*Oncorhynchus clarkii virginalis*) in New Mexico and Colorado. The proposed Federal action is the approval of a CCAA, issuance of a section 10(a)(1)(A) enhancement of survival permit to Vermejo Park Ranch, and implementation of the CCAA for the conservation of the Rio Grande cutthroat trout in New Mexico and Colorado. With the assistance of the New Mexico Department of Game and Fish, Colorado Division of Parks and Wildlife, and the Service, Vermejo Park Ranch would implement conservation measures for the Rio Grande cutthroat trout by restoring them to historically occupied streams, removing threats to the survival of the species, and protecting habitat. The CCAA would be in effect for 25 years on lands owned by Vermejo Park Ranch in Taos County, New Mexico, and Costilla County, Colorado. The CCAA was developed in support of a section 10(a)(1)(A) enhancement of survival permit.

By fully implementing the CCAA provisions of the enhancement of survival permit, Vermejo Park Ranch will be provided assurances that, should the Rio Grande cutthroat trout be listed, the Service will not require them to provide additional land, water, or financial resources, nor will there be any further restrictions to their land, water, or financial resources than those they committed to under the CCAA provisions. The CCAA provisions are found in the Code of Federal Regulations (CFR) at 50 CFR 17.22(d) and 17.32(d). Furthermore, if the Rio Grande cutthroat trout is listed, Vermejo Park Ranch would be provided incidental take authorization under the enhancement of survival permit for the level of incidental take on their lands consistent with the activities under the CCAA provisions. The term of the CCAA is 25 years from the date the CCAA is signed by Vermejo Park Ranch and the Service. The permit will become effective on the date of a final rule that lists the Rio Grande cutthroat trout as threatened or endangered and will continue through the end of the CCAA term.

Background

The Rio Grande cutthroat trout is native to the Rio Grande, Pecos River, and Canadian River basins in New Mexico and Colorado. It is the southernmost subspecies of cutthroat trout. Because of nonnative species introductions, Rio Grande cutthroat trout are now restricted to streams that are narrow and small compared to the larger streams they once occupied; these populations occupy approximately 10 percent of historical habitat. Rio Grande cutthroat trout face a variety of imminent threats, including fragmentation, isolation, small population size, presence of nonnative trout, whirling disease, fire, drought, and the effects of climate change. Because of the range contraction and the imminent threats, the Rio Grande cutthroat trout became a candidate species on May 14, 2008 (73 FR 27900), indicating that listing of the Rio Grande cutthroat trout was warranted but precluded by higher priority actions. The species was given a listing priority number of 9, indicating a subspecies facing imminent threats of moderate to low magnitude.

Currently, cooperative efforts are in place to restore this subspecies to the Rio Costilla watershed, where much of the habitat for Rio Grande cutthroat trout exists on private land. The CCAA was initiated in order to facilitate conservation and restoration of the Rio Grande cutthroat trout on private lands in New Mexico and Colorado. Expected conservation benefits for the Rio Grande cutthroat trout from implementation of the conservation measures in this CCAA will be recognized through additional connected populations being maintained over time.

Furthermore, Rio Grande cutthroat trout conservation will be enhanced by with regulatory assurances for the participating property owner. There will be a measure of security for the participating landowner in the knowledge that they will incur no additional land use restrictions if the species is listed under the Act.

Vermejo Park Ranch requests issuance of the enhancement of survival permit in order to address the take prohibitions of section 9 of the Act should the species become listed in the future. The permit would authorize incidental take associated with implementation of conservation commitments and measures described in the CCAA and

existing land uses on Vermejo Park Ranch.

The Secretary of the Interior has delegated to the Service the authority to approve or deny a section (10)(a)(1)(A) permit in accordance with the Act. To act on Vermejo Park Ranch's permit application, we must determine that the CCAA meets the issuance criteria specified in the Act and at 50 CFR 17.22 and 17.32. The issuance of a section (10)(a)(1)(A) permit is a Federal action subject to NEPA compliance, including the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500–1508). The draft CCAA and application for the enhancement of survival permit were not eligible for categorical exclusion under NEPA.

On January 25, 2013 (78 FR 5480), we issued a draft EA and requested public comment on our evaluation of the potential impacts associated with issuance of a permit for implementation of the CCAA and to evaluate alternatives, along with the draft CCAA. We received no public comments.

Purpose and Need

The purpose of the CCAA is to conserve the ecosystems depended upon by the Rio Grande cutthroat trout in such a way as to potentially preclude the need to list this species under the Act. This purpose, under the CCAA, would be accomplished through the voluntary involvement of Vermejo Park Ranch, who is willing to protect, maintain, enhance, and develop the habitats necessary for the survival and conservation of Rio Grande cutthroat trout on their lands. The purpose of the permit is to provide assurances to Vermejo Park Ranch that no additional conservation measures would be required beyond those specified in the CCAA should the species become listed in the future, as long as Vermejo Park Ranch implements and maintains the conservation measures specified in the CCAA in good faith through the duration of the CCAA and associated permit. Should listing of the Rio Grande cutthroat trout occur, the permit would authorize incidental take associated with implementation of conservation commitments and measures described in the CCAA, as well as existing land uses and other covered activities on Vermejo Park Ranch.

The CCAA and permit are needed to protect and conserve the Rio Grande cutthroat trout through reducing threats that this species faces while providing a mechanism to authorize incidental take of the Rio Grande cutthroat trout, should it be listed pursuant to the Act, for Vermejo Park Ranch.

The Service identified key issues and relevant factors through public scoping and working with other agencies and groups. We received no comments during the public comment period. No new significant issues arose following publication of the draft documents.

Alternatives

Alternative 1 (No Action): In the No Action Alternative, the Service would not approve the draft CCAA nor issue the associated section 10(a)(1)(A) enhancement of survival permit. Therefore, a programmatic effort to reduce threats through providing regulatory assurances to Vermejo Park Ranch through a section 10(a)(1)(A) permit of the Act and its implementing regulations, policy, and guidance for CCAAs would not be available. Individual actions and smaller efforts could be undertaken, but the major incentive for Vermejo Park Ranch to conserve a candidate species such as the Rio Grande cutthroat trout would not be in place. The No Action alternative provides the baseline for comparing the environmental effects of the preferred alternative.

Alternative 2 (Preferred Alternative): Our selected alternative is the approval and implementation of a CCAA between the Service and Vermejo Park Ranch; this preferred alternative, as described in the final EA, provides for the issuance of a permit pursuant to section 10(a)(1)(A) of the Act to Vermejo Park Ranch for incidental take that is anticipated to occur as a result of implementing the CCAA as proposed. The preferred alternative will provide Vermejo Park Ranch, who has voluntarily agreed to implement conservation measures to restore and maintain suitable habitat for Rio Grande cutthroat trout on their property, regulatory assurances that their conservation efforts will not result in future regulatory obligations in excess of those they agree to at the time they enter into the CCAA. The CCAA conservation actions to be implemented or maintained are intended to conserve and restore Rio Grande cutthroat trout and their habitat so that sustainable population levels may be maintained. Implementation of these actions is also intended to reduce any unfavorable impacts to Rio Grande cutthroat trout arising from the management and utilization of the enrolled lands, which are expected to be minimal. This alternative includes implementation of conservation measures to avoid and minimize the potential incidental take of Rio Grande cutthroat trout to the maximum extent practicable.

Decision

We intend to issue an enhancement of survival permit allowing Vermejo Park Ranch to implement the preferred alternative (Alternative 2), as it is described in the final CCAA and EA. Our decision is based on a thorough review of the alternatives and their environmental consequences. Implementation of this decision entails the issuance of the permit, including all terms and conditions governing the permit. Implementation of this decision requires that Vermejo Park Ranch adhere to the conservation measures specified in the CCAA in good faith through the duration of the CCAA and permit.

Rationale for Decision

We have selected the preferred alternative (Alternative 2) for implementation based on multiple environmental and social factors, including potential impacts to the Rio Grande cutthroat trout, the benefits to the Rio Grande cutthroat trout that are expected to be achieved through implementation of conservation actions and measures contained in the CCAA, and social and economic considerations. We did not choose the No Action Alternative because under this alternative, a programmatic effort to reduce threats to the Rio Grande cutthroat trout by providing regulatory assurances to Vermejo Park Ranch through a section 10(a)(1)(A) permit of the Act and its implementing regulations, policy, and guidance for CCAAs would not be available. Individual actions and smaller efforts could be undertaken, but the major incentive for landowners to conserve a candidate species such as the Rio Grande cutthroat trout would not be in place, and these smaller efforts would be incapable of providing comprehensive or comparable net benefits as compared to those under the preferred alternative.

In order for us to issue a permit, we must ascertain that the CCAA meets the issuance criteria set forth in 16 U.S.C. 1539(a)(2)(A) and (B). In addition, we must determine that the applicant has met all issuance criteria for the permit contained in 50 CFR 17.22(d)(1) and 17.32(d)(1). We have made our determination based on the criteria summarized below:

1. The taking will be incidental. We find that the take of Rio Grande cutthroat trout would be incidental to otherwise lawful activities. Vermejo Park Ranch will implement the CCAA, which includes implementation of conservation commitments and

measures on their lands as described in the CCAA. Incidental take authorized under the permit would be in the form of harassment, harm, and mortality associated with conservation and monitoring activities necessary to implement the CCAA.

2. The CCAA complies with the requirements of the CCAA policy. Vermejo Park Ranch has developed the CCAA and permit application pursuant to the requirements in the implementing regulations and the issuance criteria for a permit. Conservation benefits for the Rio Grande cutthroat trout from implementation of the CCAA are expected in the form of avoidance of negative impacts; reduction of threats; and conservation, enhancement, and restoration of populations and habitat intended to establish and maintain viable populations of Rio Grande cutthroat trout in Taos County, New Mexico, and Costilla County, Colorado. Also, this CCAA may be used as a model for CCAAs in other parts of the Rio Grande cutthroat trout's range to encourage cooperative management and conservation.

3. The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of the survival and recovery in the wild of any species. The Act's legislative history establishes the intent of Congress that this issuance criteria be identical to a regulatory finding of no ''jeopardy'' under section 7(a)(2) of the Act. As a result, issuance of this section 10(a)(1)(A) permit was reviewed by the Service according to provisions of section 7 of the Act. In the Intra-Service Section 7 Conference Opinion, the Service concluded that issuance of a permit will not jeopardize the continued existence of the Rio Grande cutthroat trout or any other species. The taking associated with the implementation of the CCAA will be incidental to efforts associated conservation actions for Rio Grande cutthroat trout in their historic range and gathering important biological information necessary to continue conservation efforts for the species.

4. Implementation of the terms of the CCAA is consistent with applicable Federal, State, and Tribal laws and regulations. The Service is unaware of any law or regulation that would prevent the implementation of the CCAA and the accompanying permit. The permit will include conditions that revoke the take provisions of the permit if any applicable State, Federal, or tribal law or regulation is broken.

5. Implementation of the terms of the CCAA will not be in conflict with any ongoing conservation programs for species covered by the permit. The CCAA in New Mexico and Colorado for the Rio Grande cutthroat trout furthers ongoing conservation activities for the species' conservation and is essential in developing additional conservation agreements within the historic range of the Rio Grande cutthroat trout. The Service is a participant on the Rio Grande Cutthroat Trout Conservation Team, which is a consortium of agencies that has been working together to conserve, restore, and enhance Rio Grande cutthroat populations rangewide. This combined State, Federal, Tribal, and private effort should provide conservation incentives and result in greater success in reducing threats and stabilizing the status of Rio Grande cutthroat trout.

6. The Applicant has shown capability for and commitment to implementing all of the terms of the CCAA. Vermejo Park Ranch has shown the ability to administer the CCAA and work effectively with cooperators to implement conservation commitments in the CCAA. The funding for implementation will come from several sources and is already in place. Vermejo Park Ranch will also have assistance from the Service, New Mexico Department of Game and Fish, and Colorado Division of Parks and Wildlife in determining the conservation priorities. Based on conservation measures described in the CCAA, the Service does not expect any circumstances to occur that would preclude Vermejo Park Ranch's funding and implementation of the CCAA.

Section 9 of the Act and its implementing regulations prohibit the ''taking'' of threatened or endangered species. However, under limited circumstances, we may issue permits to take listed wildlife species incidental to, and not for the purpose of, otherwise lawful activities.

Availability of Documents

Electronic copies of the final CCAA and final EA will be available on the Service's New Mexico Ecological Services Field Office Web site, *http://www.fws.gov/southwest/es/NewMexico/VRCCAA.cfm*. Alternatively, you may obtain CD–ROMs with electronic copies of these documents by writing to Mr. Wally Murphy, Field Supervisor, U.S. Fish and Wildlife Service, 2105 Osuna Rd NE., Albuquerque, NM 87113; calling 505–346–2525; or faxing 505–346–2542. The final CCAA and final EA also are available for public inspection, by appointment only, during normal business hours (8 a.m. to 4:30 p.m.) at the Albuquerque address listed above.

Persons wishing to review the application or FONSI may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 et seq.) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4321 et seq.) and its implementing regulations (40 CFR 1506.6).

Dated: June 21, 2013.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, Fish and Wildlife Service.

[FR Doc. 2013–17497 Filed 7–19–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[AAK400420/A0R5C4040.999900/134A2100DD]

Renewal of Agency Information Collection for Acquisition of Trust Land

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for Acquisition of Trust Land authorized by OMB Control Number 1076–0100. This information collection expires July 31, 2013.

DATES: Interested persons are invited to submit comments on or before August 21, 2013.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov.* Please send a copy of your comments to Matthew Kirkland, Bureau of Indian Affairs, Division of Real Estate Services, MS–4639–MIB, 1849 C Street NW., Washington, DC 20240; facsimile: (202) 219–1065; email: *Matthew.Kirkland@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Matthew Kirkland, (202) 208–3615. You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the

Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of Indian Affairs (BIA) is seeking renewal of the approval for the information collection conducted under 25 CFR 151, Land Acquisitions, for the United States to take land into trust for individual Indians and Indian tribes. This information collection allows BIA to review applications for compliance with regulatory and statutory requirements. No specific form is used. No third party notification or public disclosure burden is associated with this collection.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personally identifiable information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0100.

Title: Acquisition of Trust Land, 25 CFR Part 151.

Brief Description of Collection: Submission of this information allows Bureau of Indian Affairs (BIA) to review applications for the acquisition of land into trust status by the United States on behalf of individual Indians and Indian tribes, pursuant to 25 CFR part 151. The information also allows the Secretary to comply with the National Environmental Policy Act and to determine if title to the subject property is marketable and unencumbered. No specific form is used, but respondents supply information and data in accordance with 25 CFR part 151, so that BIA may make an evaluation and determination on the application. Response is required to obtain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Individual Indians and Indian tribes seeking acquisition of land into trust status.

Number of Respondents: 1,000.

Number of Responses: 1,000.

Frequency of Response: Once per each tract of land to be acquired.

Estimated Time per Response: Ranges from 60 to 110 hours.

Estimated Total Annual Hour Burden: 67,800 hours.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: July 17, 2013.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2013–17546 Filed 7–19–13; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA 942000 L57000000 BX0000]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of lands described below are scheduled to be officially filed in the Bureau of Land Management California State Office, Sacramento, California, thirty (30) calendar days from the date of this publication.

ADDRESSES: A copy of the plats may be obtained from the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, upon required payment.

Protest: A person or party who wishes to protest a survey must file a notice that they wish to protest with the California State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, California, 95825.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Geographic Services, Bureau of Land Management, California State Office, 2800 Cottage Way, Room W–1623, Sacramento, California 95825, (916) 978–4310.

SUPPLEMENTARY INFORMATION: These surveys were executed to meet the administrative needs of various federal agencies; the Bureau of Land Management, Bureau of Indian Affairs, or Bureau of Reclamation. The lands surveyed are:

Mount Diablo Meridian, California

T. 24 S., R. 23 E., dependent resurvey and metes-and-bounds survey accepted May 14, 2013.

T. 40 N., R. 9 E., dependent resurvey and subdivision of section 24 accepted May 15, 2013.

T. 2 S., R. 17 E., dependent resurvey and subdivision of sections 17 and 18 accepted May 20, 2013.

T. 11 S., R. 21 E., dependent resurvey, subdivision of sections, and metes-and-bounds survey accepted May 21, 2013.

T. 16 N., R. 9 E., dependent resurvey and informative traverse accepted June 6, 2013.

T. 18 N., R. 8 E., subdivision of section 33 accepted June 25, 2013.

San Bernardino Meridian, California

T. 1 N., R. 17 and 18 W., dependent resurvey and metes-and-bounds survey accepted June 18, 2013.

T. 9 S., R. 12 E., dependent resurvey and metes-and-bounds survey accepted June 25, 2013.

Authority: 43 U.S.C., Chapter 3.

Dated: July 10, 2013.

Lance J. Bishop,

Chief Cadastral Surveyor, California.

[FR Doc. 2013–17494 Filed 7–19–13; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOS05000 L10100000.PH0000]

Notice of Public Meeting; Southwest Colorado Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Southwest Colorado Resource Advisory Council (RAC) will meet in August 2013.

DATES: Southwest Colorado RAC meeting will be held on August 16, 2013, in Ridgway, Colorado.

ADDRESSES: The Southwest Colorado RAC meeting will be held August 16, 2013, at the Ridgway Public Library at 300 Charles St., Ridgway, CO 81432. The meeting will begin at 9 a.m. and adjourn at approximately 4 p.m. A

public comment period regarding matters on the agenda will be held at 11:30 a.m.

FOR FURTHER INFORMATION CONTACT: Lori Armstrong, BLM Southwest District Manager, 970–240–5300; or Shannon Borders, Public Affairs Specialist, 970–240–5300; 2505 S. Townsend Avenue, Montrose, CO 81401. 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, seven 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 Southwest Colorado RAC advises the Secretary of the Interior, through the BLM, on a variety of public land issues in Colorado.

Topics of discussion for all Southwest Colorado RAC meetings may include field manager and working group reports, recreation, fire management, land use planning, invasive species management, energy and minerals management, travel management, wilderness, land exchange proposals, cultural resource management and other issues as appropriate.

These meetings are open to the public. The public may present written comments to the RACs. Each formal RAC meeting will also have time, as identified above, allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Dated: July 15, 2013.

Helen M. Hankins,

BLM Colorado State Director.

[FR Doc. 2013–17407 Filed 7–19–13; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–13411; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before June 22, 2013. Pursuant to § 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th Floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by August 6, 2013. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 27, 2013.

Alexandra Lord,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

CALIFORNIA

Solano County

Masonic Temple—Naval Lodge No. 87, Free and Accepted Masons, 707 Marin St., Vallejo, 13000575

COLORADO

Montezuma County

Painted Hand Pueblo, (Great Pueblo Period of the McElmo Drainage Unit MPS) Address Restricted, Pleasant View, 13000576

Park County

Paris Mill, (Mining Industry in Colorado, MPS) Address Restricted, Alma, 13000574

Yuma County

Cliff Theater, 420 Main St., Wray, 13000577

FLORIDA

De Soto County

Singleton, Micajah T., House, 711 W. Hickory St., Arcadia, 13000578

Hillsborough County

Rogers Park Golf Course, 7801 N. 30th St., Tampa, 13000579

KANSAS

Rice County

Santa Fe Trail—Rice County Segment 2, (Santa Fe Trail MPS) Ave. P, .75 mi. W. of 30th Rd., Little River, 13000580

Santa Fe Trail—Rice County Segment 3, (Santa Fe Trail MPS) Address Restricted, Windom, 13000581

MASSACHUSETTS

Plymouth County

Old Burial Hill, Church, School & S. Russell Sts., Plymouth, 13000582

MICHIGAN

Mackinac County

Round Island Passage Light, (Light Stations of the United States MPS) Round Island Passage Channel, Mackinac Island, 13000583

MISSOURI

St. Charles County

Link, Oliver L. and Catherine, House, 1005 Jefferson, St. Charles, 13000584

NEW JERSEY

Gloucester County

Memorial Presbyterian Church, 202 E. Mantua Ave., Wenonah Borough, 13000585

Ocean County

Cedar Bridge Tavern, 210 Old Cedar Bridge Rd., Barnegat Township, 13000586

WISCONSIN

Manitowoc County

Klingholz, Charles and Herriette, House, 224 Mill Rd., Manitowoc Rapids, 13000587

Waukesha County

Oconomowoc High School, 623 Summit Ave., Oconomowoc, 13000588

[FR Doc. 2013–17465 Filed 7–19–13; 8:45 am]

BILLING CODE 4312–51–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–875]

Certain Radio Frequency Identification (RFID) Products and Components Thereof; Commission Determination Not To Review an Initial Determination Terminating Investigation Based on a Settlement Agreement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 8) of the presiding administrative law judge (''ALJ'') terminating the investigation based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this

investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, on March 29, 2013, based on a complaint filed by Neology, Inc. of Poway, California (''Neology''). The complaint, as supplemented, alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,081,819; 7,671,746; and 6,690,264. 78 FR 19311 (Mar. 29, 2013). The respondents are Federal Signal Corporation of Oakbrook, Illinois; Federal Signal Technologies, LLC of Irvine, California (now known as FS Sub, LLC); Sirit Corp. of Irvine, California (now known as Federal Signal of Texas Corp.); and 3M Company of St. Paul, Minnesota (collectively, ''Respondents.'') *Id.*

On June 17, 2013, complainant Neology and Respondents filed a joint motion to terminate this investigation in its entirety based on a settlement agreement and requested the procedural schedule in this investigation be stayed. On June 18, 2013, the Commission's investigative attorney filed a response supporting the motion.

On June 19, 2013, the ALJ issued an ID (Order No. 8) granting the motion to terminate (and denying the request to stay the investigation as moot). The ALJ found that termination of this investigation did not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers. No party petitioned for review. The Commission has determined not to review the ID. The investigation has been terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42—210.46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–210.46).

By order of the Commission.

Issued: July 16, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–17455 Filed 7–19–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122—NEW]

Agency Information Collection Activities; New Collection; Comments Requested: Survey of Supervised Visitation and Safe Exchange Programs Grantees and Partners

ACTION: 30-Day Notice.

The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, page 39325, on May 21, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until August 21, 2013. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Survey of Supervised Visitation and Safe Exchange Program Grantees and Partners.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately past and current 800 Safe Havens: Supervised Visitation and Safe Exchange Grant Program (Supervised Visitation Program) grantees and their current and former grant partners. The Supervised Visitation Program provides an opportunity for communities to support the supervised visitation and safe exchange of children in situations involving domestic violence, dating violence, child abuse, sexual assault, or stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 800 respondents (approximately past and current 800 Supervised Visitation Program grantees and their current and former grant partners) approximately 30 minutes to complete the survey. The survey will include 10 questions that will address demographics of families served, type of grant, significant outcomes for their community, and successes and challenges experienced either under the grant program or in general. Most of the questions will be multiple choice or involve a rating scale while a few will include narrative responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 400 hours, that is approximately 800

respondents with an estimated completion time for the form being 30 minutes.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: July 17, 2013.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2013–17493 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0025]

Agency Information Collection Activities: Extension of a Currently Approved Collection; Semi-Annual Progress Report for the Services To Advocate for and Respond to Youth Program

ACTION: 60-Day Notice.

The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. Comments are encouraged and will be accepted for ''sixty days'' until September 20, 2013. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please Cathy Poston, Office on Violence Against Women, at 202–514–5430.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of Currently Approved Collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Services to Advocate for and Respond to Youth Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0025. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 45 grantees of the Services to Advocate for and Respond to Youth Program. This is the first Federal funding stream solely dedicated to the provision of direct intervention and related assistance for youth victims of sexual assault, domestic violence, dating violence and stalking. Overall, the purpose of the Youth Services Program is to provide direct counseling, advocacy, legal advocacy, and mental health services for youth victims of sexual assault, domestic violence, dating violence, and stalking, as well as linguistically, culturally, or community relevant services for underserved populations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 45 respondents (grantees from the Services to Advocate for and Respond to Youth Program) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Services to Advocate for and Respond to Youth Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 90 hours, that is 45 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: July 17, 2013.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2013–17516 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0024]

Agency Information Collection Activities: Extension of a Currently Approved Collection Semi-Annual Progress Report for the Tribal Sexual Assault Services Program

ACTION: 60-Day Notice.

The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. Comments are encouraged and will be accepted for ''sixty days'' until September 20, 2013. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please Cathy Poston, Office on Violence Against Women, at 202–514–5430.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of

information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Tribal Sexual Assault Services Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122- 0024. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 15 grantees of the Tribal Sexual Assault Services Program. The Sexual Assault Services Program (SASP), created by the Violence Against Women Act of 2005 (VAWA 2005), is the first federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault. The SASP encompasses four different funding streams for States and Territories, Tribes, State Sexual Assault Coalitions, Tribal Coalitions, and culturally specific organizations. Overall, the purpose of SASP is to provide intervention, advocacy, accompaniment, support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault.

The Tribal SASP supports efforts to help survivors heal from sexual assault trauma through direct intervention and related assistance from social service organizations such as rape crisis centers through 24-hour sexual assault hotlines, crisis intervention, and medical and criminal justice accompaniment. The Tribal SASP will support such services through the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 15 respondents (grantees from the Tribal Sexual Assault Services Program) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Tribal SASP grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 30 hours, that is 15 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: July 17, 2013.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2013–17515 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0005]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Application and Permit for Importation of Firearms, Ammunition and Implements of War

ACTION: 60-Day Notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until September 20, 2013. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Desiree Dickinson, Firearms and Explosives Imports Branch, 244 Needy Road, Martinsburg, West Virginia 25405.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application and Permit for Importation of Firearms, Ammunition and Implements of War.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 6, Part 1 (5330.3A) Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Individuals or households,

Federal Government, State, Local or Tribal Government.

Need for Collection

The form is used to determine whether firearms, ammunition, and implements of war are eligible for importation into the United States. It is also used to secure authorization to import such articles and serves as authorization to the U.S. Customs Service to allow these articles entry into the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 13,000 respondents will complete a 30 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 6,500 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: May 15, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–17491 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

Agency Information Collection Activities; Proposed Collection; Comments Requested: Application To Make and Register a Firearm

ACTION: 60-Day Notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until September 20, 2013. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Schaible, National Firearms Act Branch at *Gary.Schaible@atf.gov.*

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Summary of Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Application to Make and Register a Firearm.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 1 (5320.1). Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: Business or other for-profit, and individuals or households.

Need for Collection

The form is used by persons applying to make and register a firearm that falls within the purview of the National Firearms Act. The information supplied by the applicant on the form helps to establish the applicant's eligibility. The changes to the form are to allow applicants to pay the transfer tax by credit or debit card, combine information currently captured on another form, and the form size is now 8½″ x 14″.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 9,662 respondents will take an average of approximately 1.63 hours to complete.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 15,747 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: July 17, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–17492 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1614]

Meeting (Webinar) of the Federal Advisory Committee on Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

ACTION: Notice of Webinar Meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) announces a meeting of the Federal Advisory Committee on Juvenile Justice (FACJJ).

DATES AND LOCATIONS: The meeting will take place online, as a webinar, on Monday, August 12, 2013, from 3 to 6 p.m. ET.

FOR FURTHER INFORMATION CONTACT: Kathi Grasso, Designated Federal Official, OJJDP, *Kathi.Grasso@usdoj.gov,* or (202) 616–7567. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Federal Advisory Committee on Juvenile Justice (FACJJ), established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App.2), will meet to carry out its advisory functions under Section 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: reviewing Federal policies

regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to State perspectives on the operation of OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at *www.facjj.org.*

Meeting Agenda: The agenda will include: (a) Welcome and introductions; (b) remarks from the Administrator; (c) presentation on subcommittee reports; (d) consideration by full Committee of draft FACJJ recommendations; (e) other business; and (f) adjournment.

To participate in or view the webinar meeting, members of the FACJJ and of the public must pre-register online. Members and interested persons must link to the webinar registration portal through *www.facjj.org* no later than Wednesday, August 7, 2013. Upon registration, information will be sent to you at the email address you provide to enable you to connect to the webinar. Should problems arise with webinar registration, call Michelle Duhart-Tonge at 703–789–4712. [This is not a toll-free telephone number.] Note: Members of the public will be able to listen to and view the webinar as observers, but will not be able to actively participate. An on-site room is available for members of the public interested in viewing the webinar in person. If members of the public wish to view the webinar in person, they must notify Kathi Grasso by email message to *Kathi.grasso@usdoj.gov,* no later than Monday, August 5, 2013. Please note that most FACJJ members will not be physically present in Washington, DC for the webinar. They will participate in the webinar from their respective home jurisdictions.

Written Comments: Interested parties may submit written comments in advance to Kathi Grasso, Designated Federal Official, by email to *Kathi.Grasso@usdoj.gov,* no later than Monday, August 5, 2013. Alternatively, fax your comments to 202–307–2819 and call Joyce Mosso Stokes at 202–305–4445 to ensure that they are received. [These are not toll-free numbers.]

Robert L. Listenbee,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2013–17429 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—Core Competencies for Corrections Learning and Performance Professionals

AGENCY: National Institute of Corrections, U.S. Department of Justice.

ACTION: Solicitation for a Cooperative Agreement.

SUMMARY: The National Institute of Corrections (NIC) is soliciting proposals from organizations, groups, or individuals to enter into a cooperative agreement for a 12-month period to begin no later than September 15, 2013. Work under this cooperative agreement will involve the development of a core competency model and a corresponding complement of competency assessment instruments. The model will identify the core competencies both of learners in a corrections agency and corrections learning and performance staff. NIC will use the model to assess its current learning catalog and to conduct ongoing needs analysis regarding learning and performance in corrections via the data it collects from the assessment instruments. Corrections professionals will use the model and assessment instruments as a skills gap analysis, professional development tool, and human resource management tool that will assist them with staff selection and retention, performance management, and succession management. This project will be a collaborative venture with the NIC Academy Division.

NIC Opportunity Number: 13AC09. This number should appear in the reference line in your cover letter, on Standard Form 424 in section 11 with the title of your proposal, and in the right justified header of your proposal.

Number of Awards and Funds Available: Under this solicitation, 1 Award will be made. The total amount of funds available under this solicitation is $100,000.00. Funds awarded under this solicitation may only be used for activities directly related to the project as described herein unless otherwise amended in writing by NIC.

Applications: All applicants must be submitted electronically via *http://www.grants.gov.* Hand delivered, mailed, faxed, or emailed applications will not be accepted.

DATES: Application must be submitted before midnight on Thursday, August 8, 2013.

Authority: Public Law 93–415.

Eligibility of Applicants: An eligible applicant is any public or private agency, educational institution, organization, individual or team with expertise in the described areas.

SUPPLEMENTARY INFORMATION:

Background: As NIC envisions its work with corrections learning professionals in the 21st century, we foresee multiple challenges, including major shifts in staff roles and responsibilities, learning delivery methods, the role of technology, and the incorporation of research-based practices into program design and delivery. These shifts call for the reassessment of the knowledge, skills, attitudes, characteristics, and traits necessary for learning and performance staff to achieve superior performance on the job and for the development of a competency model that will place learning professionals in a position to enhance the performance of their agency.

NIC has identified the core roles in corrections learning and performance as (1) Learning Administrator: Full-time learning program staff member with a leadership role, approving authority for curriculum, budget, staffing, etc. (i.e., agency training director); (2) Full-Time Learning Professional: Full-time learning program staff responsible for program coordination, including delivery, administrative review, and record keeping (i.e., facility or agency training coordinator); (3) Adjunct Learning Professional: Part-time learning program staff responsible for delivery of content but whose primary job duties are outside the training department (i.e., firearms instructor or field training officer); (4) Learning Designer: Full- or part-time learning program staff responsible for designing learning content; and (5) Learner: Correctional staff member who participates in learning events voluntarily or as a requirement of his or her position.

NIC defines competency as a collection of knowledge, skills, traits, characteristics, and attitudes that are demonstrated through superior performance that optimizes organizational outcomes. Competencies are related not just to a job but to superior performance on a job.

A proposal responsive to this solicitation should, at a minimum, identify a plan to address the scope and timeframe of the project, determine the methodology necessary to develop staff profiles and ascertain the core competencies essential for superior performance by corrections learning and performance professionals, and identify a team that includes members with learning and performance subject matter

expertise, project management experience, and experience in the development and implementation of assessment instruments.

Scope of Work: The qualified applicant team will be able to: Develop a profile for each of the five identified core roles in corrections learning and performance programs and include a narrative description with the role title, scope of authority, responsibilities, associated tasks, and commonly held positions associated with the title;

Identify emerging roles in corrections learning and performance and future implications for the competency model;

Identify core competencies for each of the five staff profiles;

Develop a narrative description of each core competency, including its definition, knowledge base, relevant research and theory, primary skills, characteristics and traits of high performers, available tools and resources for developing proficiency in the competency;

Develop a narrative description of the attitudes and behaviors of staff who reflect proficiency at the basic, intermediate, and advanced level for each core competency;

Compile the profile and competency data into final publication document(s);

Design and implement a self-assessment instrument that will identify an end-user's current level of proficiency in the competencies associated with a staff profile. The instrument must be in a file format that is compatible with electronic delivery and that can be housed in NIC's Learning Management System.

Deliverables: At a minimum, the awardee will deliver the following products in complete and compliant form: (1) A narrative review of the entire project; (2) profiles for each of the five identified roles in corrections learning and performance; (3) a roster of core competencies for each of the identified profiles, with descriptive narrative for each competency; (4) written documents for publication that include the project narrative, staff profiles, and core competencies; and (6) a self-assessment instrument for each of the staff profiles.

FOR FURTHER INFORMATION CONTACT: All technical or programmatic questions concerning this announcement should be directed to Amanda Hall, Correctional Program Specialist, National Institute of Corrections who may be reached by email at *a4hall@bop.gov.* In addition to the direct reply, all questions and responses will be posted on NIC's Web site at *www.nicic.gov* for public review (the names or affiliations of those submitting questions will not be posted). The Web site will be updated regularly and postings will remain on the Web site until the closing date of this cooperative agreement solicitation.

Application Requirements: Application Requirements: Applications should be typed, double spaced, in 12-point font, and reference the project by the ''NIC Opportunity Number 13AC09'' and title in this announcement, ''Core Competencies for Corrections Learning and Performance Professionals.'' The package must include: A cover letter that identifies the audit agency responsible for the applicant's financial accounts as well as the audit period or fiscal year that the applicant operates under (e.g., July 1 through June 30); a concisely written program narrative, not to exceed 30 numbered pages, in response to the statement of work, and a detailed budget with a budget narrative explaining projected costs. Applicants may submit a description of the project teams' qualifications and expertise relevant to the project, but should not attach lengthy resumes. Attachments to the proposal describing your organization or examples of other past work beyond those specifically requested above are discouraged. These attachments should not exceed 5MB.

The following forms must also be included: OMB Standard Form 424, Application for Federal Assistance; OMB Standard Form 424A, Budget information—Non-Construction Programs; OMB Standard Form 424B, Assurances—Non-Construction Programs (these forms are available at *http://www.grants.gov*) and DOJ/NIC Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and the Drug-Free Workplace Requirements (available at *http://nicic.gov/Downloads/General/certif-frm.pdf*

Failure to supply all required forms with the application package may result in disqualification of the application from consideration.

Note: NIC will not award a cooperative agreement to an applicant who does not have a Dun and Bradstreet Database Universal Number (DUNS) and is not registered in the System for Award Management (SAM).

A DUNS number can be received at no cost by calling the dedicated toll-free DUNS number request line at 1–800–333–0505 (if you are a sole proprietor, you would dial 1–866–705–5711 and select option 1).

Registration in the SAM can be done online at the SAM Web site: *https://www.sam.gov/portal/public/SAM/*

Review Considerations: Applications received under this announcement will be subject to the NIC Review Process. Proposals which fail to provide sufficient information to allow evaluation under the criteria below may be judged non-responsive and disqualified. The criteria for the evaluation of each application will be as follows:

Programmatic (40%)

Are all of the project tasks adequately discussed? Is there a clear statement of how each task will be accomplished, to include the overall project goal(s), major tasks to achieve the goal(s), the strategies to be employed in completing the tasks, required staffing, and other required resources? Are there any approaches, techniques, or design aspects proposed that are new to NIC and will enhance the project?

Organizational (35%)

Do the proposed project staff members possess the skills, knowledge, and expertise necessary to complete the tasks listed under the scope of work? Does the applicant organization, group, or individual have the organizational capacity to complete all project tasks? Does the proposal contain project management and staffing plans that are realistic and sufficient to complete the project within the project time frame?

Project Management/Administration (25%)

Does the applicant identify reasonable objectives and/or milestones that reflect the key tasks, and measures to track progress? If consultants and/or partnerships are proposed, is there a reasonable justification for their inclusion in the project, and a clear structure to ensure effective coordination? Is the proposed budget realistic, does it provide a sufficient cost detail/narrative, and does it represent good value relative to the anticipated results?

Specific Requirements: Documents or other media that are produced under this award must follow these guidelines: Prior to the preparation of the final draft of any document or other media, the awardee must consult with NIC's Writer/Editor concerning the acceptable formats for manuscript submissions and the technical specifications for electronic media. For all awards in which a document will be a deliverable, the awardee must follow the guidelines listed herein, as well as follow the Guidelines for Preparing and Submitting Manuscripts for Publication as found in the ''General Guidelines for Cooperative Agreements,'' which can be found on our Web site at *www.nicic.gov/cooperativeagreements.*

All final documents and other materials submitted under this project must meet the federal government's requirement for Section 508 accessibility, including those provisions outlined in 1194 Subpart B, Technical Provisions, Subpart C, Functional Performance Criteria; and Subpart D, Documentation and Support, NIC's government product accessibility template (see *www.nicic.gov/section508*) outlines the agency's minimum criteria for meeting this requirement; a completed form attesting to the accessibility of project deliverables should accompany all submissions.

Note Concerning Catalog of Federal Domestic Assistance Number: The Catalog of Federal Domestic Assistance (CFDA) should be entered into box 10 of the SF 424. The CFDA number for this solicitation is 16.603—Technical Assistance/Clearinghouse. You are subject to the provisions of Executive Order 12372. The order allows states the option of setting up a system for reviewing applications from within their states for assistance under certain Federal programs. You must notify the Single State Point of Contact in your state, if it exists, of this application before NIC can make an award. Applicants (other than Indian tribal governments recognized by the Federal government) should contact their State Single Point of Contact (SPOC), a list of which can be found at *http://www.whitehouse.gov/omb/grants_spoc.* Check the appropriate box in section 16 of the SF–424.

Robert M. Brown, Jr.,

Acting Director, National Institute of Corrections.

[FR Doc. 2013–17495 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–36–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—Executive Excellence a Training and Development Program for Correctional Executives

AGENCY: National Institute of Corrections, U.S. Department of Justice.

ACTION: Solicitation for a Cooperative Agreement.

SUMMARY: The National Institute of Corrections (NIC) is soliciting proposals from organizations, groups, or individuals to enter into a cooperative agreement for a 15-month period to begin no later than September 15, 2013. This project will be a cooperative agreement and will involve working under the direction of NIC's Deputy Director to develop modify and enhance a competency based, blended modality training curriculum that follows the framework outlined in ''Correctional Leadership Competencies for the 21st Century.'' The framework has defined competencies at the executive level and is designed to meet a significant unfilled leadership development need for individuals the field of corrections who have demonstrated the potential to be the chief executive officer at the state, local or federal level. The curriculum that is currently in place is exceptional, but could always be improved upon. The content stresses leadership skill building, exposure to ethical and value based issues, self-awareness, strategic thinking, team oriented performance, effective decision making, executive visioning, mission and agenda setting, executive planning, politics of corrections both internally and externally as well the dynamics of creating collaborative partnerships in the external environment. Finally the program strives to develop strategic and critical thinking through a variety of experiential activities and group sessions. This project will be a collaborative venture with the NIC's Academy and Administrative Divisions.

NIC Opportunity Number: 13AC04 This number should appear in the reference line in your cover letter, on Standard Form 424 in section 11 with the title of your proposal, and in the right justified header of your proposal.

Number of Awards and Funds Available: Under this solicitation, 1 Award will be made. The total amount of funds available under this solicitation is $78,000. Funds awarded under this solicitation may only be used for activities directly related to the project as described herein unless otherwise amended in writing by NIC.

Applications: All applicants must be submitted electronically via *http://www.grants.gov.* Hand delivered, mailed, faxed, or emailed applications will not be accepted.

DATES: Application must be submitted before midnight on Thursday, August 8, 2013.

Authority: Public Law 93–415

Eligibility of Applicants: An eligible applicant is any public or private agency, educational institution, organization, individual or team with expertise in the described areas.

SUPPLEMENTARY INFORMATION:

Background: NIC has been committed for many years to the development and improvement of executive performance by providing outstanding leadership and management training to corrections' professionals. Executive Excellence has completed an exceptional history of 16 years of service to the field, with more than 500 graduates. A proposal responsive to this solicitation should, at a minimum include, information that demonstrates the applicants experience as a correctional or criminal justice chief executive officer, completed the current curriculum of Executive Excellence or another equally prestigious criminal justice executive development program. In addition the applicant should demonstrate an understanding of the concepts included in the text *Correctional Leadership for the 21st Century,* a portion of which specifically addresses the role of the Correctional Executive.

Scope of Work: At the end of this Cooperative Agreement, a revised or new module(s) for an Executive Excellence curriculum should be developed using NIC's Instructional Theory Into Practice (ITIP) model. The curriculum should include a facilitators manual, modifications or changes to the current participant's manual, and all relevant supplemental materials (such as PowerPoint presentations, visual &/or audio visual aids, handouts, exercises, etc.). The use of blended learning tools such as live web-based training sessions (e.g.,WebEx) and supplemental on-line tailored courses are encouraged.

Deliverables: At a minimum the awardee should be able to deliver the following products in complete and compliant form:

a narrative review and curriculum module that focuses on and creates an understanding for the role of the correctional executive,

a narrative overview and a curriculum module that focuses on and creates an understanding for the development of correctional policy at the executive level,

a narrative overview and a curriculum module that addresses the typical ethical dilemmas and decision making for correctional executives,

a narrative overview and a curriculum module for the correctional executive working in a troubled organization,

a narrative overview and a curriculum module for the correctional executive that addresses effective tactics and strategies for working with legislative bodies,

a narrative overview and a curriculum module for building an executive team within a correctional environment,

a narrative overview and a curriculum module effective correctional planning, both tactical and strategic,

develop and present a series of provocative evening sessions on contemporary criminal justice and correctional issues,

develop and present an overview as well as a curriculum module that provides the participants with an simulated experience for competing for an executive position for corrections at the federal, state and local levels,

develop an overview and present a curriculum module for the correctional executives working through the issues of technology and information management,

assist the course director in the recruitment, briefing and coordination of instructors and presenter's for the aforementioned subjects listed above and additional sessions as needed,

assist the course director with the recruitment and selection of 36 correctional candidates for two programs to be offered within the next 15 months,

develop or assure that lesson plans are developed for all presentations following the NIC ITIP format,

serve as the residential practitioner coordinator during all residential sessions and distance phases of the program,

develop a series of correctional case studies for the role of the correctional executive, the legislative process and ethical dilemmas in corrections,

finally, develop and reading file of contemporary literature that will be shared with all faculty, participant and staff associated with the program.

FOR FURTHER INFORMATION CONTACT: All technical or programmatic questions concerning this announcement should be directed to Robert M. Brown, Jr., Deputy Director, National Institute of Corrections who may be reached by email at *rbrown@bop.gov.* In addition to the direct reply, all questions and responses will be posted on NIC's Web site at *www.nicic.gov* for public review (the names or affiliations of those submitting questions will not be posted). The Web site will be updated regularly and postings will remain on the Web site until the closing date of this cooperative agreement solicitation.

Application Requirements: Application Requirements: Applications should be typed, double spaced, in 12-point font, and reference the project by the ''NIC Opportunity Number'' 13–AC–04 and the announcement, ''Executive Excellence: A Correctional Executive Practitioner Resource. The package must include: A cover letter that identifies the audit agency responsible for the applicant's financial accounts as well as the audit period or fiscal year that the applicant operates under (e.g., July 1 through June 30); a concisely written program narrative, not to exceed 30 numbered pages, in response to the statement of work, and a detailed budget with a budget narrative explaining projected costs. Applicants may submit a description of the project teams' qualifications and expertise relevant to the project, but should not attach lengthy resumes. Attachments to the proposal describing your organization or examples of other past work beyond those specifically requested above are discouraged. These attachments should not exceed 5MB.

The following forms must also be included: OMB Standard Form 424, Application for Federal Assistance; OMB Standard Form 424A, Budget information—Non-Construction Programs; OMB Standard Form 424B, Assurances—Non-Construction Programs (these forms are available at *http://www.grants.gov*) and DOJ/NIC Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and the Drug-Free Workplace Requirements (available at *http://nicic.gov/Downloads/General/certif-frm.pdf*

Failure to supply all required forms with the application package may result in disqualification of the application from consideration.

Note: NIC will not award a cooperative agreement to an applicant who does not have a Dun and Bradstreet Database Universal Number (DUNS) and is not registered in the System for Award Management (SAM).

A DUNS number can be received at no cost by calling the dedicated toll-free DUNS number request line at 1–800–333–0505 (if you are a sole proprietor, you would dial 1–866–705–5711 and select option 1).

Registration in the SAM can be done online at the SAM Web site: *https://www.sam.gov/portal/public/SAM/*

Review Considerations: Applications received under this announcement will be subject to the NIC Review Process. Proposals which fail to provide sufficient information to allow evaluation under the criteria below may be judged non-responsive and disqualified.

The criteria for the evaluation of each application will be as follows:

Programmatic (40%)

Are all of the project tasks adequately discussed? Is there a clear statement of how each task will be accomplished, to include the overall project goal(s), major tasks to achieve the goal(s), the strategies to be employed in completing the tasks, required staffing, and other required resources? Are there any approaches, techniques, or design aspects proposed that are new to NIC and will enhance the project?

Organizational (35%)

Do the proposed project staff members possess the skills, knowledge, and expertise necessary to complete the tasks listed under the scope of work? Does the applicant organization, group, or individual have the organizational capacity to complete all project tasks? Does the proposal contain project management and staffing plans that are realistic and sufficient to complete the project within the project time frame?

Project Management/Administration (25%)

Does the applicant identify reasonable objectives and/or milestones that reflect the key tasks, and measures to track progress? If consultants and/or partnerships are proposed, is there a reasonable justification for their inclusion in the project, and a clear structure to ensure effective coordination? Is the proposed budget realistic, does it provide a sufficient cost detail/narrative, and does it represent good value relative to the anticipated results?

Specific Requirements: Documents or other media that are produced under this award must follow these guidelines: Prior to the preparation of the final draft of any document or other media, the awardee must consult with NIC's Writer/Editor concerning the acceptable formats for manuscript submissions and the technical specifications for electronic media. For all awards in which a document will be a deliverable, the awardee must follow the guidelines listed herein, as well as follow the Guidelines for Preparing and Submitting Manuscripts for Publication as found in the ''General Guidelines for Cooperative Agreements,'' which can be found on our Web site at *www.nicic.gov/cooperativeagreements.*

All final documents and other materials submitted under this project must meet the federal government's requirement for Section 508 accessibility, including those provisions outlined in 1194 Subpart B, Technical Provisions, Subpart C, Functional Performance Criteria; and Subpart D, Documentation and Support, NIC's government product accessibility template (see *www.nicic.gov/section508*) outlines the agency's minimum criteria for meeting this requirement; a completed form attesting to the accessibility of project deliverables should accompany all submissions.

The Catalog of Federal Domestic Assistance (CFDA) should be entered into box 10 of the SF 424. The CFDA number for this solicitation is 16.601. You are not subject to Executive Order 12372 and should check box b under section 16.

Robert M. Brown, Jr.,

Acting Director, National Institute of Corrections.

[FR Doc. 2013–17501 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–36–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—Executive Excellence a Training and Development Program for Correctional Executives

AGENCY: National Institute of Corrections, U.S. Department of Justice.

ACTION: Solicitation for a Cooperative Agreement.

SUMMARY: The National Institute of Corrections (NIC) is soliciting proposals from organizations, groups, or individuals to enter into a cooperative agreement for a 15-month period to begin no later than September 15, 2013. This project will be a cooperative agreement and will involve working under the direction of NIC's Deputy Director to develop modify and enhance a competency based, blended modality training curriculum that follows the framework outlined in ''Correctional Leadership Competencies for the 21st Century.'' The framework has defined competencies at the executive level and is designed to meet a significant unfilled leadership development need for individuals the field of corrections who have demonstrated the potential to be the chief executive officer at the state, local or federal level. The curriculum that is currently in place is exceptional, but could always be improved upon. The content stresses leadership skill building, exposure to ethical and value based issues, self-awareness, strategic thinking, team oriented performance, effective decision making, executive visioning, mission and agenda setting, executive planning, politics of corrections both internally and externally as well the dynamics of creating collaborative partnerships in the external environment. Finally the program strives to develop strategic and critical thinking through a variety of experiential activities and group sessions. This project will be a collaborative venture with the NIC's Academy and Administrative Divisions.

NIC Opportunity Number: 13AC11 This number should appear in the reference line in your cover letter, on Standard Form 424 in section 11 with the title of your proposal, and in the right justified header of your proposal. Number of Awards and Funds Available: Under this solicitation, 1 Award will be made. The total amount of funds available under this solicitation is $78,000 Funds awarded under this solicitation may only be used for activities directly related to the project as described herein unless otherwise amended in writing by NIC.

Applications: All applicants must be submitted electronically via *http://www.grants.gov.* Hand delivered, mailed, faxed, or emailed applications will not be accepted.

DATES: Application must be submitted before midnight on Thursday, August 8,2013.

Authority: Public Law 93–415

Eligibility of Applicants: An eligible applicant is any public or private agency, educational institution, organization, individual or team with expertise in the described areas.

SUPPLEMENTARY INFORMATION:

Background: NIC has been committed for many years to the development and improvement of executive performance by providing outstanding leadership and management training to corrections' professionals. Executive Excellence has completed an exceptional history of 16 years of service to the field, with more than 500 graduates. A proposal responsive to this solicitation should, at a minimum include, information that demonstrates the applicants experience as a correctional executive development resource or training and resource specialist, taught or facilitated in one of the previous seventeen Executive Excellence programs or another equally prestigious criminal justice/corrections executive development program. In addition the applicant should demonstrate an understanding of the concepts included in the text *Correctional Leadership for the 21st Century,* a portion of which specifically addresses the importance of the concept of Self Awareness in the development of the Correctional Executive.

Scope of Work: At the end of this Cooperative Agreement, a revised or new module (s) for an Executive Excellence curriculum should be developed using NIC's Instructional Theory Into Practice (ITIP) model. The curriculum should include a facilitators manual, modifications or changes to the current participant's manual, and all relevant supplemental materials (such as PowerPoint presentations, visual &/or audio visual aids, handouts, exercises, etc.). The use of blended learning tools such as live web-based training sessions (e.g., WebEx) and supplemental on-line tailored courses are encouraged.

Deliverables: At a minimum the awardee should be able to deliver the following products in complete and compliant form:

a narrative review and curriculum module that focuses on the application of the instrument Benchmark 360 a multi rater assessment including feedback from a boss, peers and direct reports. The awardee must be certified to administer this instrument/survey,

a narrative overview and a curriculum module that focuses on and creates an understanding the Myers Briggs Type Indicator. The instrument represents an additional anchor for the self-awareness assessment process. The awardee must be certified to administer this instrument,

a narrative overview and a curriculum module that addresses the concept of Emotional Intelligence. This instrument again represents another self-awareness profile for all participants. The awardee must certified to administer one of several Emotional Intelligence instruments available commercially,

a narrative overview and a curriculum module for a correctional executives health and wellness assessment,

a narrative overview, organization of a process and a curriculum module for the correctional executive that addresses an effective series tactics and strategies for providing feedback during the two week residential phase of the program,

a narrative overview and a curriculum module for building an executive team within a correctional environment,

a narrative overview and a curriculum module for effective executive decision making, develop and present a series of provocative evening sessions on contemporary leadership and self-awareness issues,

develop and present an overview as well as a curriculum module that provides the participants with an simulated experience exploring the importance of collaboration at the executive level for corrections at the federal, state and local levels,

develop an overview and present a curriculum module for the correctional executives working through the issues of technology and information management,

assist the course director in the recruitment, briefing and coordination of instructors and presenter's for the aforementioned subjects listed above and additional sessions as needed,

assist the course director with the recruitment and selection of 36 correctional candidates for two programs to be offered within the next 15 months,

develop or assure that lesson plans are developed for all presentations following the NIC ITIP format,

serve as the executive development resource for participants during all residential sessions and distance phases of the program,

develop a series of post training and intersession feedback events and processes for all participants during their participation in the program,

finally, develop and reading file of contemporary literature in the areas of leadership, management, organization development, communication, feedback, Type Theory, emotional intelligence, self awareness and group dynamics that will be shared with all faculty, participant and staff associated with the program.

FOR FURTHER INFORMATION CONTACT: All technical or programmatic questions concerning this announcement should be directed to Robert M. Brown, Jr., Deputy Director, National Institute of Corrections who may be reached by email at *rbrown@bop.gov.* In addition to the direct reply, all questions and responses will be posted on NIC's Web site at *www.nicic.gov* for public review (the names or affiliations of those submitting questions will not be posted). The Web site will be updated regularly and postings will remain on the Web site until the closing date of this cooperative agreement solicitation.

Application Requirements: Application Requirements: Applications should be typed, double spaced, in 12-point font, and reference the project by the ''NIC Opportunity Number'' 13AC11 and the announcement, ''Executive Excellence: Correctional Executive Development Resource. The package must include: A cover letter that identifies the audit agency responsible for the applicant's financial accounts as well as the audit period or fiscal year that the applicant operates under (e.g., July 1 through June 30); a concisely written program narrative, not to exceed 30 numbered pages, in response to the statement of work, and a detailed budget with a budget narrative explaining projected costs. Applicants may submit a description of the project teams' qualifications and expertise relevant to the project, but should not attach lengthy resumes. Attachments to the proposal describing your organization or examples of other past work beyond those specifically requested above are discouraged. These attachments should not exceed 5MB. The following forms must also be included: OMB Standard Form 424, Application for Federal Assistance; OMB Standard Form 424A, Budget information—Non-Construction Programs; OMB Standard Form 424B, Assurances—Non-Construction Programs (these forms are available at *http://www.grants.gov*) and DOJ/NIC Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and the Drug-Free Workplace Requirements (available at *http://nicic.gov/Downloads/General/certif-frm.pdf.* Failure to supply all required forms with the application package may result in disqualification of the application from consideration.

Note: NIC will not award a cooperative agreement to an applicant who does not have a Dun and Bradstreet Database Universal Number (DUNS) and is not registered in the System for Award Management (SAM). A DUNS number can be received at no cost by calling the dedicated toll-free DUNS number request line at 1–800–333–0505 (if you are a sole proprietor, you would dial 1–866–705–5711 and select option 1).

Registration in the SAM can be done online at the SAM Web site: *https://www.sam.gov/portal/public/SAM/* Review Considerations: Applications received under this announcement will be subject to the NIC Review Process. Proposals which fail to provide sufficient information to allow evaluation under the criteria below may be judged non-responsive and disqualified.

The criteria for the evaluation of each application will be as follows:

Programmatic (40%)

Are all of the project tasks adequately discussed? Is there a clear statement of how each task will be accomplished, to include the overall project goal(s), major tasks to achieve the goal(s), the strategies to be employed in completing the tasks, required staffing, and other required resources? Are there any approaches, techniques, or design aspects proposed that are new to NIC and will enhance the project?

Organizational (35%)

Do the proposed project staff members possess the skills, knowledge, and expertise necessary to complete the tasks listed under the scope of work? Does the applicant organization, group, or individual have the organizational capacity to complete all project tasks? Does the proposal contain project management and staffing plans that are realistic and sufficient to complete the project within the project time frame?

Project Management/Administration (25%)

Does the applicant identify reasonable objectives and/or milestones that reflect the key tasks, and measures to track progress? If consultants and/or partnerships are proposed, is there a reasonable justification for their inclusion in the project, and a clear structure to ensure effective coordination? Is the proposed budget realistic, does it provide a sufficient cost detail/narrative, and does it represent good value relative to the anticipated results?

Specific Requirements: Documents or other media that are produced under this award must follow these guidelines: Prior to the preparation of the final draft of any document or other media, the awardee must consult with NIC's Writer/Editor concerning the acceptable formats for manuscript submissions and the technical specifications for electronic media. For all awards in which a document will be a deliverable, the awardee must follow the guidelines listed herein, as well as follow the Guidelines for Preparing and Submitting Manuscripts for Publication as found in the ''General Guidelines for Cooperative Agreements,'' which can be found on our Web site at *www.nicic.gov/cooperativeagreements.*

All final documents and other materials submitted under this project must meet the federal government's requirement for Section 508 accessibility, including those provisions outlined in 1194 Subpart B, Technical Provisions, Subpart C, Functional Performance Criteria; and Subpart D, Documentation and Support, NIC's government product accessibility template (see *www.nicic.gov/section508*) outlines the agency's minimum criteria for meeting this requirement; a completed form attesting to the accessibility of project deliverables should accompany all submissions.

The Catalog of Federal Domestic Assistance (CFDA) should be entered into box 10 of the SF 424. The CFDA number for this solicitation is 16.601. You are not subject to Executive Order 12372 and should check box b under section 16.

Robert M. Brown, Jr.,

Acting Director, National Institute of Corrections.

[FR Doc. 2013–17496 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–36–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—Evidence-Based Decision Making in State and Local Criminal Justice Systems: Planning and Development for Implementation

AGENCY: National Institute of Corrections, U.S. Department of Justice.

ACTION: Solicitation for a Cooperative Agreement.

SUMMARY: The National Institute of Corrections (NIC) is soliciting proposals from organizations, groups, or individuals to enter into a cooperative agreement for a 15-month period to begin no later than August 15, 2013. Work under this cooperative agreement will be an extension of the NIC's Evidence-Based Decision Making (EBDM) in Local Criminal Justice Systems initiative. It will require the coordination of jurisdictions receiving technical assistance under EBDM and review of work produced under other cooperative agreements that resulted in deliverables under EBDM. Work under this cooperative agreement will involve

all activities necessary to plan for the successful implementation of EBDM in a statewide structure.

Specifically, the awardee will plan a comprehensive structure for implementation, including development of a technical assistance (TA) plan and the tools required to build capacity to implement EBDM within local jurisdictions and state-level criminal justice planning committees. The awardee will also revise ''A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems'' to include needed content changes and additions to support statewide implementation; develop activities and tools needed to select a state that, through an identified process, is determined to have the greatest potential for successful planning and implementation of EBDM at the statewide level; provide TA to current EBDM sites and their states' criminal justice coordinating counsels and executive administration in preparation for statewide planning for EBDM implementation. This project will be a collaborative venture with the NIC Community Services Division.

NIC Opportunity Number: 13CS14. This number should appear in the reference line in your cover letter, on Standard Form 424 in section 11 with the title of your proposal, and in the right justified header of your proposal.

Number of Awards and Funds Available: Under this solicitation, one award will be made. The total amount of funds available under this solicitation is $480,000.00. Funds awarded under this solicitation may be used only for activities directly related to the project as described herein unless otherwise amended in writing by NIC.

Applications: All applicants must be submitted electronically via *http://www.grants.gov*. Hand delivered, mailed, faxed, or emailed applications will not be accepted.

DATES: Application must be submitted before midnight on Monday, August 5, 2013.

Authority: Public Law 93–415.

Eligibility of Applicants: An eligible applicant is any public or private agency, educational institution, organization, individual or team with expertise in the described areas.

SUPPLEMENTARY INFORMATION:

Background: The purpose of the EBDM Initiative is to equip criminal justice policymakers with the information, processes, and tools that result in measurable reductions in pretrial misconduct and post-conviction reoffending. The initiative to date has built the capacity within seven local criminal justice systems to (1) improve the quality of information used to make individual case decisions in local systems and (2) engage these systems as policymaking bodies to improve the effectiveness of their decisions collectively at identified decision points. Local officials involved in this initiative include judges, prosecutors, public defenders, police, sheriff, human service providers, county executives, probation, and pretrial services directors.

A copy of ''A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems'' is available at *http://nicic.gov/Library/024372*. The ''Roadmap to Phase II'' outlines the primary objectives of TA targeted at each of the seven local systems. A copy of the roadmap is available at *http://static.nicic.gov/Public/roadmap phase ii final 2.docx.*

The work completed to date on the EBDM initiative, including the Framework document, tools, and TA, have not addressed criminal justice decisions beyond an offender's placement in prison.

The intent of this proposal is to perform the activities required to expand the decision making points of the current EBDM Framework to include parole review, reentry (including institution and community planning), parole release and setting of conditions of parole supervision, responses to parole violations of conditions of community supervision, and revocation and termination of parole. It will expand collaborative partnerships to include the executive decision makers from state criminal justice agencies and build their capacity to (1) improve the quality of information used to make individual case decisions in state systems, (2) engage agencies as policymaking bodies to improve the effectiveness of their decisions collectively at identified decision points, and (3) improve the effectiveness of state policy and legislative mandates to support local jurisdictions' criminal justice system goals. It will link and coordinate state and local collaborative bodies to (1) improve the quality of information used to make individual case decisions managed at both the state and local levels and (2) engage these state and local agencies as policymaking bodies to improve the effectiveness of their decisions collectively at identified decision points. State officials will include chief judge, attorney general, chief public defender, department of corrections director, parole release and supervision authority, state police, director of health and human services, victim's rights, and the governor's office.

Included within this proposal is the provision of TA for current EBDM sites to help them prepare for statewide implementation, as well as the development of a protocol to establish an effective process for state site selection.

Scope of Work: The goal of this cooperative agreement is to develop the tools and protocols needed to select and build the capacity to implement EBDM within a statewide structure. This is will be accomplished through the following primary tasks: (1) Develop the ''The Framework for Evidence-Based Decision Making in Local and State Criminal Justice Systems.'' This document will be a revision and update of ''Framework for Evidence-Based Decision Making in Local Criminal Justice Systems.'' The updated document will include all of the relevant findings and information needed to guide decision points beyond prison placement. The updates and revision must be consistent with the current principles of EBDM. (2) Develop tools and protocols to build the capacity of state-level systems to make evidence-based decisions modeled after the tools and protocols developed and tested in ''The Roadmap to Phase II.'' The revisions and updates will include any knowledge, skill building, and information that would be specific to state-level executives and collaborative bodies. (3) Develop a protocol to link and coordinate local collaborative bodies to their state collaborative body. This link and coordination is intended to improve the quality of information and the effectiveness of the decisions of state and local bodies in reaching their harm reduction goals. This link has not been developed or tested in previous EBDM work and will require new development. (4) Develop all the tools and processes needed to select a state that has the greatest potential of completing the planning and implementation phases of EBDM. Learn more about the EBDM phases at *http://www.nicic.gov/ebdm*. The same selection process should be used for the local jurisdiction selection within this award and it should be modified for selection of the state that will receive future NIC technical assistance as part of this initiative. (5) Deliver TA to current states participating in the EBDM initiative (Colorado, Indiana, Oregon, Minnesota, Virginia, Wisconsin) to prepare them for the state selection process if they choose to participate. Thirty percent of the total budget of this cooperative agreement will be devoted to this effort. The TA should be both prescriptive and individual to the

specific developmental needs of each state. (6) Propose a technical assistance plan that develops the prerequisite skills and knowledge that each state should possess as it begins the selection process and state-level collaboration. Proposals should also mention an applicant's ability to provide specialized ad-hoc technical assistance specific to the needs of the individual states. (7) Use local and state selection criteria to make the final selection of the state, including up to four of its local jurisdictions, to serve as NIC's pilot sites during the planning and implementation phases.

The order in which these tasks are to be completed will be determined at the initial planning meeting.

DELIVERABLES: (1) A manuscript of ''A Framework for Evidence-Based Decision Making in Local and State Criminal Justice Systems,'' (2) Tools and protocols needed to build state and local criminal justice system capacity to make evidence-based decisions, (3) Tools and protocols needed to link and coordinate state and local collaborative bodies, (4) Tools and processes to select the EBDM pilot state, including up to four of its local jurisdictions that will link to the state-level collaborative body, (5) Working documents of all the tools, protocols, and processes that are developed under this cooperative agreement. The documents must be in a format accessible to NIC and ready for use in selected sites. (6) EBDM state selection, including the local jurisdictions that will serve as NIC's pilot sites, (7) TA to the current EBDM states (6 eligible states) to prepare them for EBDM state selection, (8) Planning meetings and updates with the assigned NIC correctional program specialist throughout the award period, including at a minimum, (a) an in-person planning meeting with NIC staff to be held within 2 weeks of the award and (b) meeting routinely with NIC staff to discuss the progress of the project deliverables. Meetings will be held no less than quarterly and may be conducted in person, by phone, or online as agreed upon by both the NIC staff and awardee, (9) All documentation submitted.

FOR FURTHER INFORMATION CONTACT: All technical or programmatic questions concerning this announcement should be directed to Lori Eville, Correctional Program Specialist, National Institute of Corrections who may be reached by email at *leville@bop.gov*. In addition to the direct reply, all questions and responses will be posted on NIC's Web site at *www.nicic.gov* for public review (the names or affiliations of those submitting questions will not be posted). The Web site will be updated regularly and postings will remain on the Web site until the closing date of this cooperative agreement solicitation.

Application Requirements: Application Requirements: Applications should be typed, double spaced, in 12-point font, and reference the project by the ''NIC Opportunity Number'' 13CS14 and title in this announcement, ''Evidence-Based Decision Making in State and Local Criminal Justice Systems: Planning and Development for Implementation.'' The package must include: A cover letter that identifies the audit agency responsible for the applicant's financial accounts as well as the audit period or fiscal year that the applicant operates under (e.g., July 1 through June 30); a concisely written program narrative, not to exceed 30 numbered pages, in response to the statement of work, and a detailed budget with a budget narrative explaining projected costs. Applicants may submit a description of the project teams' qualifications and expertise relevant to the project, but should not attach lengthy resumes. Attachments to the proposal describing your organization or examples of other past work beyond those specifically requested above are discouraged. These attachments should not exceed 5MB.

The following forms must also be included: OMB Standard Form 424, Application for Federal Assistance; OMB Standard Form 424A, Budget information—Non-Construction Programs; OMB Standard Form 424B, Assurances—Non-Construction Programs (these forms are available at *http://www.grants.gov*) and DOJ/NIC Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and the Drug-Free Workplace Requirements (available at *http://nicic.gov/Downloads/General/certif-frm.pdf.*

Failure to supply all required forms with the application package may result in disqualification of the application from consideration.

Note: NIC will NOT award a cooperative agreement to an applicant who does not have a Dun and Bradstreet Database Universal Number (DUNS) and is not registered in the Central Contractor Registry (CCR). A DUNS number can be received at no cost by calling the dedicated toll-free DUNS number request line at 1–800–333–0505 (if you are a sole proprietor, you would dial 1–866–705–5711 and select option 1).

Registration in the CCR can be done online at the CCR Web site: *http://www.bpn.gov/ccr.* A CCR Handbook and worksheet can also be reviewed at the Web site.

Review Considerations: Applications received under this announcement will be subject to the NIC Review Process. Proposals which fail to provide sufficient information to allow evaluation under the criteria below may be judged non-responsive and disqualified.

The criteria for the evaluation of each application will be as follows:

Programmatic (40%)

Are all of the project tasks adequately discussed? Is there a clear statement of how each task will be accomplished, to include the overall project goal(s), major tasks to achieve the goal(s), the strategies to be employed in completing the tasks, required staffing, and other required resources? Are there any approaches, techniques, or design aspects proposed that are new to NIC and will enhance the project?

Organizational (35%)

Do the proposed project staff members possess the skills, knowledge, and expertise necessary to complete the tasks listed under the scope of work? Does the applicant organization, group, or individual have the organizational capacity to complete all project tasks? Does the proposal contain project management and staffing plans that are realistic and sufficient to complete the project within the project time frame?

Project Management/Administration (25%)

Does the applicant identify reasonable objectives and/or milestones that reflect the key tasks, and measures to track progress? If consultants and/or partnerships are proposed, is there a reasonable justification for their inclusion in the project, and a clear structure to ensure effective coordination? Is the proposed budget realistic, does it provide a sufficient cost detail/narrative, and does it represent good value relative to the anticipated results?

Specific Requirements: Documents or other media that are produced under this award must follow these guidelines: Prior to the preparation of the final draft of any document or other media, the awardee must consult with NIC's Writer/Editor concerning the acceptable formats for manuscript submissions and the technical specifications for electronic media. For all awards in which a document will be a deliverable, the awardee must follow the guidelines listed herein, as well as follow the Guidelines for Preparing and Submitting Manuscripts for Publication as found in the ''General Guidelines for Cooperative Agreements,'' which can be found on

our Web site at *www.nicic.gov/cooperativeagreements*.

All final documents and other materials submitted under this project must meet the federal government's requirement for Section 508 accessibility, including those provisions outlined in 1194 Subpart B, Technical Provisions, Subpart C, Functional Performance Criteria; and Subpart D, Documentation and Support, NIC's government product accessibility template (see *www.nicic.gov/section508*) outlines the agency's minimum criteria for meeting this requirement; a completed form attesting to the accessibility of project deliverables should accompany all submissions.

Note Concerning Catalog of Federal Domestic Assistance Number: The Catalog of Federal Domestic Assistance (CFDA) should be entered into box 10 of the SF 424. The CFDA number for this solicitation is 16.602, Research and Policy Formulation. You are not subject to Executive Order 12372 and should check box b under section 16.

Robert M. Brown, Jr.,

Acting Director, National Institute of Corrections.

[FR Doc. 2013–17500 Filed 7–19–13; 8:45 am]

BILLING CODE 4410–36–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Longitudinal Study of Unemployment Insurance Recipients (NLS–UI)

AGENCY: Office of the Assistant Secretary for Policy/Chief Evaluation Office, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance 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 required 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.

A copy of the proposed ICR can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before September 20, 2013.

ADDRESSES: You may submit comments by either one of the following methods: *Email: Pavosevich.Robert@dol.gov*; *Mail or Courier:* Robert Pavosevich, U.S. Department of Labor ETA/OUI/DFAS, Room S–4231, 200 Constitution Avenue NW., Washington DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Robert Pavosevich by telephone at 202–693–2935 (this is not a toll-free number) or by email at *Pavosevich.Robert@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. *Background:* The unemployment insurance (UI) program was designed to reduce financial hardships for unemployed workers, assist with reemployment, and ameliorate the negative effects of unemployment on the economy as a whole. By providing temporary income support, UI benefits can smooth the transition to new circumstances, reduce financial distress, and provide workers with a buffer while they search for jobs. Furthermore, to reduce the potential incentive for UI recipients to prolong their unemployment, UI benefits are time-limited and provide only a partial replacement of lost earnings.

Understanding how workers adjust to the changes in income during and after UI claim spells would enable policymakers to assess how well the program is serving the nation's workers and refine it to meet the needs of unemployed workers while encouraging them to return to work. However, information about UI recipients is generally obtained from retrospective surveys, which might not provide sufficient insight into the dynamic adjustments after job loss or the recipients' satisfaction with the program structure.

The National Longitudinal Study of Unemployment Insurance Recipients (NLS–UI), funded by the U.S. Department of Labor, Office of the Assistant Secretary for Policy, Chief Evaluation Office, will help policymakers and program administrators gain information about the experiences of UI recipients. The study will examine the extent to which the UI program reduces recipients' financial hardships, the ways in which job search and reemployment expectations change during and after benefit collection, and customers' satisfaction levels with the UI program. The study will address research questions in six broad topic areas: (1) Adequacy of UI benefits, (2) reemployment expectations, (3) job search, (4) total UI benefit usage, (5) employment outcomes, and (6) UI recipients' satisfaction with the UI program.

This package requests clearance for three surveys of UI recipients that will take place over approximately nine months. The surveys will be timed to coincide with the early, middle, and post-UI collection experiences of about 2,800 UI recipients in two states who filed to receive a first payment during 2013. Each survey will take about 25 minutes, on average, and they will be administered by web and computer-assisted telephone interviewing. Administrative UI claims data will also be collected from both states to obtain identifying and contact information about UI recipients who will be surveyed and to learn about their UI benefit collection experiences.

II. *Desired Focus of Comments:* Currently, the Department of Labor is soliciting comments concerning the above data collection for the National Longitudinal Study of Unemployment Insurance Recipients (NLS–UI). Comments are requested to:

* 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 information collection on those who are to respond, including the use of appropriate automated, electronic,

mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. *Current Actions:* At this time, the Department of Labor is requesting clearance to conduct three surveys of about 2,800 UI recipients for the National Longitudinal Study of Unemployment Insurance Recipients (NLS–UI).

Type of review: New information collection request.

OMB Control Number: 1205–0NEW.

Affected Public: UI benefit recipients in two states who filed to receive a first payment during 2013.

Frequency: Three interviews.

Total Responses: 5,694 (1,898 per three survey waves).

Average Time per Response: 25 minutes.

Estimated Total Burden Hours: 2,372 hours.

Average Annual Other Burden Cost: $0.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval; they will also become a matter of public record.

James H. Moore, Jr.,

Deputy Assistant Secretary for Policy, U.S. Department of Labor.

[FR Doc. 2013–17523 Filed 7–19–13; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Exemptions From Certain Prohibited Transaction Restrictions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following proposed exemptions: D–11506, UBS AG and Its Current and Future Affiliates and Subsidiaries (collectively, UBS or the Applicant); D–11742 thru D–11746, The ABB Inc. Cash Balance Pension Plan (the Cash Balance Plan); the Cash Balance Pension Plan for Certain Represented Employees of ABB Inc. (the Union Cash Balance Plan); the Pension Plan for Employees of the Process Analytics Division of ABB Inc. Represented by the Laborer's International Union of North America (AFL–CIO), Local No. 1304 (the Process Analytics Plan); the Pension Plan of Fischer & Porter Company (the Fisher & Porter Plan); and the ABB Inc. Pension Plan (UE 625 & 626) (the UE 625 & 626 Plan) (each a Plan, and collectively, the Plans); and D–11767, D–11768 and D–11769, American International Group, Inc. Incentive Savings Plan (the Savings Plan), American General Agents' & Managers' Thrift Plan (the Thrift Plan), and Chartis Insurance Company—Puerto Rico Capital Growth Plan (the Chartis Plan)(collectively, the Plans).

DATES: All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice.

ADDRESSES: Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Room N–5700, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Application No., stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via email or FAX. Any such comments or requests should be sent either by email to: *moffitt.betty@dol.gov,* or by FAX to (202) 219–0204 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue NW., Washington, DC 20210.

Warning: All comments will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

SUPPLEMENTARY INFORMATION:

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (76 FR 66637, 66644, October 27, 2011).[1] Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

UBS AG and Its Current and Future Affiliates and Subsidiaries (Collectively, UBS or the Applicant) Located in New York, New York

[Application No. D–11506]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974, as amended (ERISA or the Act) and section 4975(c)(2) of the Internal Revenue Code of 1986, as amended (the Code), and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (76 FR 66637, 66644, October 27, 2011).[2]

[1] The Department has considered exemption applications received prior to December 27, 2011 under the exemption procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).

[2] For purposes of this proposed exemption, references to section 406 of ERISA should be read,

Section I. Sales of Auction Rate Securities From Plans to UBS: Unrelated to a Settlement Agreement

If the proposed exemption is granted, the restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (2) of the Act and the taxes imposed by section 4975 of the Code, by reason of section 4975(c)(1)(A), (D), and (E) of the Code, shall not apply, effective February 1, 2008, to the sale by a Plan (as defined in section V(e)) of an Auction Rate Security (as defined in section V(c)) to UBS, where such sale (an Unrelated Sale) is unrelated to, and not made in connection with, a Settlement Agreement (as defined in section V(f)), provided that the conditions set forth in Section II have been met.

Section II. Conditions Applicable to Transactions Described in Section I

(a) The Plan acquired the Auction Rate Security in connection with brokerage or advisory services provided by UBS;

(b) The last auction for the Auction Rate Security was unsuccessful;

(c) Except in the case of a Plan sponsored by UBS for its own employees (a UBS Plan), the Unrelated Sale is made pursuant to a written offer by UBS (the Unrelated Offer) containing all of the material terms of the Unrelated Sale, including, but not limited to, the most recent rate information for the Auction Rate Security (if reliable information is available). Either the Unrelated Offer or other materials available to the Plan provide the identity and par value of the Auction Rate Security. Notwithstanding the foregoing, in the case of a pooled fund maintained or advised by UBS, this condition shall be deemed met to the extent each Plan invested in the pooled fund (other than a UBS Plan) receives written notice regarding the Unrelated Sale, where such notice contains the material terms of the Unrelated Sale (including, but not limited to, the material terms described in the preceding sentence);

(d) The Unrelated Sale is for no consideration other than cash payment against prompt delivery of the Auction Rate Security;

(e) The sales price for the Auction Rate Security is equal to the par value of the Auction Rate Security, plus any accrued but unpaid interest or dividends; [3]

(f) The Plan does not waive any rights or claims in connection with the Unrelated Sale;

(g) The decision to accept the Unrelated Offer or retain the Auction Rate Security is made by a Plan fiduciary or Plan participant or beneficial owner of an individual retirement account (an IRA, as described in section V(e) below) who is independent (as defined in section V(d)) of UBS. Notwithstanding the foregoing: (1) In the case of an IRA, which is beneficially owned by an employee, officer, director or partner of UBS, or a relative of any such persons, the decision to accept the Unrelated Offer or retain the Auction Rate Security may be made by such employee, officer, director or partner; or (2) in the case of a UBS Plan or a pooled fund maintained or advised by UBS, the decision to accept the Unrelated Offer may be made by UBS after UBS has determined that such purchase is in the best interest of the UBS Plan or pooled fund; [4]

(h) Except in the case of a UBS Plan or a pooled fund maintained or advised by UBS, neither UBS nor any affiliate exercises investment discretion or renders investment advice within the meaning of 29 CFR 2510.3–21(c) with respect to the decision to accept the Unrelated Offer or retain the Auction Rate Security;

(i) The Plan does not pay any commissions or transaction costs with respect to the Unrelated Sale;

(j) The Unrelated Sale is not part of an arrangement, agreement or understanding designed to benefit a party in interest to the Plan;

(k) UBS and its affiliates, as applicable, maintain, or cause to be maintained, for a period of six (6) years from the date of the Unrelated Sale, such records as are necessary to enable the persons described below in paragraph (l)(1), to determine whether the conditions of this exemption, if granted, have been met, except that—

(1) No party in interest with respect to a Plan which engages in an Unrelated Sale, other than UBS and its affiliates, as applicable, shall be subject to a civil penalty under section 502(i) of the Act or the taxes imposed by section 4975(a) and (b) of the Code, if such records are not maintained, or not available for examination, as required, below, by paragraph (l)(1); and

(2) A separate prohibited transaction shall not be considered to have occurred solely because, due to circumstances beyond the control of UBS or its affiliates, as applicable, such records are lost or destroyed prior to the end of the six-year period;

(l)(1) Except as provided below in paragraph (l)(2), and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to above in paragraph (k) are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department, the Internal Revenue Service, or the U.S. Securities and Exchange Commission; or

(B) Any fiduciary of any Plan, including any IRA owner, that engages in a Sale, or any duly authorized employee or representative of such fiduciary; or

(C) Any employer of participants and beneficiaries and any employee organization whose members are covered by a Plan that engages in the Unrelated Sale, or any authorized employee or representative of these entities;

(2) None of the persons described above in paragraph (l)(1)(B)–(C) shall be authorized to examine trade secrets of UBS, or commercial or financial information which is privileged or confidential; and

(3) Should UBS refuse to disclose information on the basis that such information is exempt from disclosure, UBS shall, by the close of the thirtieth (30th) day following the request, provide a written notice advising that person of the reasons for the refusal and that the Department may request such information.

unless otherwise specified, to refer to the corresponding provisions of section 4975 of the Code.

[3] This proposed exemption does not address tax issues. The Department has been informed by the Internal Revenue Service and the Department of the Treasury that they are considering providing limited relief from the requirements of sections 72(t)(4), 401(a)(9), and 4974 of the Code with respect to retirement plans that hold Auction Rate Securities. The Department has also been informed by the Internal Revenue Service that if Auction Rate Securities are purchased from a Plan in a transaction described in sections I and III at a price that exceeds the fair market value of those securities, then the excess value would be treated as a contribution for purposes of applying applicable contribution and deduction limits under sections 219, 404, 408, and 415 of the Code.

[4] The Department notes that the Act's general standards of fiduciary conduct also would apply to the transactions described herein. In this regard, section 404 requires, among other things, that a fiduciary discharge his duties respecting a plan solely in the interest of the plan's participants and beneficiaries and in a prudent manner. Accordingly, a plan fiduciary must act prudently with respect to, among other things, the decision to sell the Auction Rate Security to UBS for the par value of the Auction Rate Security, plus any accrued but unpaid interest or dividends. The Department further emphasizes that it expects Plan fiduciaries, prior to entering into any of the proposed transactions, to fully understand the risks associated with this type of transaction following disclosure by UBS of all relevant information.

Section III. Sales of Auction Rate Securities From Plans to UBS: Related to a Settlement Agreement

If the proposed exemption is granted, the restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (2) of ERISA and the taxes imposed by section 4975 of the Code, by reason of section 4975(c)(1)(A), (D) and (E) of the Code, shall not apply, effective February 1, 2008, to the following transactions: (a) The acquisition by a Plan, as described in section V(e), of certain rights issued to owners of Auction Rate Securities by UBS AG (ARS Rights) in connection with a Settlement Agreement, (b) the sale of an Auction Rate Security to UBS pursuant to such ARS Rights, where such sale (a Settlement Sale) is related to, and made in connection with, a Settlement Agreement, and (c) the sale of an Auction Rate Security to UBS where such sale is made pursuant to Section 15 of the Texas Settlement Agreement (the Section 15 Texas Settlement Sale), provided that the conditions set forth in Section IV below are met.

Section IV. Conditions Applicable to Transactions Described in Section III

(a) The terms and delivery of the offer of ARS Rights (the ARS Rights Offer) are consistent with the requirements set forth in the Settlement Agreement;

(b) UBS sends notice of the ARS Rights Offer to the Plans, including an explanatory cover letter and prospectus for the ARS Rights under the Securities Act of 1933 (the Securities Act), as amended. Notwithstanding the above, notice is not required to be sent to the underlying investors in pooled funds maintained or advised by UBS (but shall be provided to the pooled funds);

(c) Under the terms of the ARS Rights Offer, over certain periods of time described below (the Exercise Periods), Eligible Customers who accept the ARS Rights Offer are entitled to put (i.e., sell), for par value (plus accrued but unpaid interest or dividends), any of their Auction Rate Securities to UBS at a time of their choosing, and UBS is entitled to call any of those Auction Rate Securities at any time, for par value (plus accrued but unpaid interest or dividends).

(d) Eligible Customers holding ARS Rights who validly accept the ARS Rights Offer will grant to UBS the sole discretion and right to sell or otherwise dispose of, and/or enter orders in the auction process with respect to, the Eligible Customers' eligible Auction Rate Securities on their behalf until the expiration date of the related ARS Right, without prior notification, so long as the Eligible Customers receive a payment of par plus accrued but unpaid interest or dividends upon any sale or disposition;

(e) Plans pay no commissions or transaction costs in connection with the acquisition of ARS Rights;

(f) In the case of a UBS Plan or pooled fund advised by UBS, the decision to accept the ARS Rights Offer and any subsequent decision to put Auction Rate Securities to UBS or, under the Texas Settlement, sell the Auction Rate Securities to UBS, may be made by UBS after UBS has determined that such transaction is in the best interest of the UBS Plan or pooled fund.

(g) In the case of an IRA owned by an employee, officer, director or partner of UBS or a relative of any such persons, the IRA owner makes an independent determination whether to accept the ARS Rights Offer and any subsequent decision to put Auction Rate Securities to UBS or, under the Texas Settlement, sell the Auction Rate Securities to UBS;

(h) In the case of Plans not described in paragraph IV(f) or IV(g) above, a person independent of UBS makes the determination whether to accept the ARS Rights Offer and any subsequent decision to put Auction Rate Securities to UBS during the applicable Exercise Period or, under the Texas Settlement, sell the Auction Rate Securities to UBS, except with respect to permitted calls under the ARS Rights, consistent with a registration statement under the Securities Act, as amended (the Registration Statement);

(i) The ARS Rights Offer, or other documents available to the Plan, specifically describe, among other things:

(1) How a Plan may determine: the Auction Rate Securities held by the Plan with UBS, the purchase dates for the Auction Rate Securities, and (if reliable information is available) the most recent rate information for the Auction Rate Securities;

(2) The number of shares and par value of the Auction Rate Securities available for purchase under the ARS Rights Offer;

(3) The background of the ARS Rights Offer;

(4) That participating in the ARS Rights Offer will not result in or constitute a waiver of any claim of the tendering Plan;

(5) The methods and timing by which Plans may accept the ARS Rights Offer;

(6) The purchase dates, or the manner of determining the purchase dates, for Auction Rate Securities tendered pursuant to the ARS Rights Offer;

(7) The timing for acceptance by UBS of tendered Auction Rate Securities;

(8) The timing of payment for Auction Rate Securities accepted by UBS for payment;

(9) The expiration date of the ARS Rights Offer;

(10) The fact that UBS may make purchases of Auction Rate Securities outside of the ARS Rights Offer and may otherwise buy, sell, hold or seek to restructure, redeem or otherwise dispose of the Auction Rate Securities;

(11) A description of the risk factors relating to the ARS Rights Offer as UBS deems appropriate;

(12) How to obtain additional information concerning the ARS Rights Offer; and

(13) The manner in which information concerning material amendments or changes to the ARS Rights Offer will be communicated to affected Plans;

(j) The terms of any Settlement Sale or Section 15 Texas Settlement Sale are consistent with the requirements set forth in the applicable Settlement Agreement and, where applicable, the terms set forth in the ARS Rights prospectus.

(k) All of the conditions in Section II have been met with respect to the ARS Rights Offer; and

(l) All of the conditions in Section 15 of the Texas Settlement Agreement have been met with respect to any Section 15 Texas Settlement Sale.

Section V. Definitions

For purposes of this proposed exemption:

(a) The term affiliate means: Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(b) The term control means: The power to exercise a controlling influence over the management or policies of a person other than an individual;

(c) The term Auction Rate Security means a security that:

(1) Is either a debt instrument (generally with a long-term nominal maturity) or preferred stock; and

(2) Has an interest rate or dividend that is reset at specific intervals through a Dutch Auction process;

(d) A person is independent of UBS if the person is:

(1) Not UBS or an affiliate; and (2) not a relative (as defined in ERISA section 3(15)) of the party engaging in the transaction;

(e) The term Plan means: An individual retirement account or similar account described in section 4975(e)(1)(B) through (F) of the Code (an IRA); an employee benefit plan as

defined in section 3(3) of ERISA; or an entity holding plan assets within the meaning of 29 CFR 2510.3–101, as modified by ERISA section 3(42); and

(f) The term Settlement Agreement means: A written legal settlement agreement involving UBS and a U.S. state or federal authority (a Settlement) that provides for the purchase of an Auction Rate Security by UBS from a Plan and/or the issuance of ARS Rights.

DATES: *Effective Date:* If granted, this proposed exemption will be effective as of February 1, 2008.

Summary of Facts and Representations

1. UBS AG (UBS or the Applicant) is a financial services corporation with headquarters located in Zurich, Switzerland. UBS has banking divisions and subsidiaries around the world, including in the United States, with its United States headquarters located in New York, New York and Stamford, Connecticut.

2. The Applicant describes Auction Rate Securities (or ARS) and the arrangement by which ARS are bought and sold as follows. ARS are securities (issued as debt or preferred stock) with an interest rate or dividend that is reset at periodic intervals pursuant to a process called a Dutch Auction. Investors submit orders to buy, hold, or sell a specific ARS to a broker-dealer selected by the entity that issued the ARS. The broker-dealers, in turn, submit all of these orders to an auction agent. The auction agent's functions include collecting orders from all participating broker-dealers by the auction deadline, determining the amount of securities available for sale, and organizing the bids to determine the winning bid. If there are any buy orders placed into the auction at a specific rate, the auction agent accepts bids with the lowest rate above any applicable minimum rate and then successively higher rates up to the maximum applicable rate, until all sell orders and orders that are treated as sell orders are filled. Bids below any applicable minimum rate or above the applicable maximum rate are rejected. After determining the clearing rate for all of the securities at auction, the auction agent allocates the ARS available for sale to the participating broker-dealers based on the orders they submitted. If there are multiple bids at the clearing rate, the auction agent will allocate securities among the bidders at such rate on a pro-rata basis.

3. The Applicant states that, under a typical Dutch Auction process, UBS is permitted, but not obligated, to submit orders in auctions for its own account either as a bidder or a seller and routinely does so in the auction rate securities market in its sole discretion. UBS may place one or more bids in an auction for its own account to acquire ARS for its inventory, to prevent: (a) A failed auction (i.e., an event where there are insufficient clearing bids which would result in the auction rate being set at a specified rate, resulting in no ARS being sold through the auction process); or (b) an auction from clearing at a rate that UBS believes does not reflect the market for the particular ARS being auctioned.

4. The Applicant states that for many ARS, UBS has been appointed by the issuer of the securities to serve as a dealer in the auction and is paid by the issuer for its services. That agreement provides that UBS will receive from the issuer auction dealer fees based on the principal amount of the securities placed through UBS.

5. The Applicant states further that UBS may share a portion of the auction rate dealer fees it receives from the issuer with other broker-dealers that submit orders through UBS, for those orders that UBS successfully places in the auctions. Similarly, with respect to ARS for which broker-dealers other than UBS act as dealer, such other broker-dealers may share auction dealer fees with UBS for orders submitted by UBS.

6. Since February 2008, the Applicant represents that the significant majority of auctions have been unsuccessful. According to the Applicant, the current state of the ARS market remains illiquid. As a result, Plans holding ARS may not have sufficient liquidity to make benefit payments, mandatory payments and withdrawals and expense payments when due.[5]

7. The Applicant represents that, in certain instances, UBS may have previously advised or otherwise caused a Plan to acquire and hold an Auction Rate Security.[6] In connection with UBS's role in the acquisition and holding of ARS by various UBS clients, including the Plans, UBS entered into Settlement Agreements with certain U.S. states and federal authorities (as described below), and UBS requests exemptive relief for three categories of ARS transactions: (a) Where UBS is required under a Settlement Agreement to send to Plans a written offer to acquire the ARS (i.e., a Settlement Sale); (b) where, under Section 15 of the Texas Settlement, UBS is required to purchase Auction Rate Securities from certain specified categories of holders who contact UBS (i.e., a Section 15 Texas Settlement Sale); and (c) where UBS initiates an ARS sale by sending to a Plan a written offer to acquire the ARS, notwithstanding that such offer is not required under a Settlement Agreement (i.e., an Unrelated Sale).

8. The Applicant states that, pursuant to the Settlements, UBS offered the ARS Rights to designated customers who bought certain ARS from UBS (i.e., the Eligible Customers).[7] The ARS Rights were issued by UBS AG pursuant to the Registration Statement, and notice[8] of the ARS Rights Offer, consisting of an explanatory cover letter and a prospectus, was sent to such Eligible Customers. However, notice was not required to be sent to the underlying investors of pooled funds maintained or advised by UBS (but was required to be provided to the pooled funds).[9]

9. The Applicant states that the Registration Statement described above complies with applicable securities laws, and the Registration Statement, including the Prospectus and the accompanying cover letter, included disclosure of, or a fair and adequate summary of, the ARS Rights. In addition, the Registration Statement and accompanying documents explained what Eligible Customers had to do to participate in the ARS Rights Offer and

[5] The Department notes that Prohibited Transaction Exemption 80–26 (45 FR 28545 (April 29, 1980), as most recently amended at 71 FR 17917 (April 7, 2006)) permits interest-free loans or other extensions of credit from a party in interest to a plan if, among other things, the proceeds of the loan or extension of credit are used only: (1) For the payment of ordinary operating expenses of the plan, including the payment of benefits in accordance with the terms of the plan and periodic premiums under an insurance or annuity contract, or (2) for a purpose incidental to the ordinary operation of the plan.

[6] The relief contained in this proposed exemption does not extend to the fiduciary provisions of section 404 of the Act.

[7] Individual or charitable account holders with less than $1 million in total in their UBS accounts on a marketing household basis as of August 8, 2008, received Series A–1 and/or A–2 ARS Rights. The Exercise Period for *Series A–1 and A–2* began October 31, 2008, and ended January 4, 2011.

Individual or charitable holders with $1 million or more in total for their UBS accounts on a marketing household basis as of August 8, 2008; all government entity holders; and small business holders with less than $10 million in total in their UBS accounts on a marketing household basis and total balance sheet assets of less than $50 million as of August 8, 2008, received Series B–1 and/or B–2 ARS Rights. The Exercise Period for *Series B–1 and B–2* ARS Rights began January 2, 2009, and ended January 4, 2011.

Eligible Customers not eligible for Series A–1 and/or A–2 or Series B–1 and/or B–2 ARS Rights received Series C–1 and/or C–2 ARS Rights. The Exercise Period for *Series C–1 and C–2* ARS Rights began June 30, 2010, and ended July 2, 2012.

[8] The Applicant confirms that with respect to the SEC, New York and Massachusetts Settlements, notices were sent during the weeks of October 8 and 13, 2008. The Applicant notes that the Texas Settlement has varying notification requirements, which were complied with.

[9] The Applicant states that, as of this date, no pooled funds subject to ERISA and maintained by UBS have been involved in a Settlement.

it informed them of the relevant terms of the Settlement Agreement and other material terms regarding their rights.

10. The Applicant states that information concerning material amendments or changes to the ARS Rights or Registration Statement was promptly disseminated to Eligible Customers, and such information was also made available by means of a toll-free telephone number. In connection with determining whether an Eligible Customer wished to accept the ARS Rights during the Offer Period or put the ARS to UBS during the Exercise Period, there may have been communications from time to time between such customer and UBS in that regard. The Applicant states that in addition to the purchase of ARS pursuant to the ARS Rights Offer, UBS may have purchased ARS from its customers outside the ARS Rights Offer at times and on terms other than those provided in such offer.

11. The Applicant represents that Eligible Customers had from October 7, 2008 to November 14, 2008 (the Offer Period) to decide whether to accept the ARS Rights, unless the Offer Period was extended at the discretion of UBS.[10] In the case of the Texas Settlement, eligible holders were entitled to sell their Auction Rate Securities to UBS until the agreed upon dollar amount in that settlement had been spent. In the case of any Eligible Customer that is a pooled fund advised by UBS or a Plan sponsored by UBS for its own employees, the decision to accept the ARS Rights Offer and any subsequent decision to put ARS to UBS during the Offer Period (or, under the Texas Settlement, sell the Auction Rate Securities to UBS) may have been made by UBS after UBS determined that such purchase was in the best interest of the UBS Plan or pooled fund. In the case of an IRA owned by an employee, officer, director or partner of UBS, or a relative of any such persons, the IRA owner was required to make an independent determination whether to accept the ARS Rights Offer and any subsequent decision to put ARS to UBS during the Offer Period (or, under the Texas Settlement, sell the Auction Rate Securities to UBS). Other than with respect to such IRAs, a pooled fund advised by UBS, or a Plan sponsored by UBS for its own employees, a person independent of UBS was required to make the determination whether to accept the ARS Rights Offer and any subsequent decision to put ARS to UBS during the applicable Exercise Period (or, under the Texas Settlement, sell the Auction Rate Securities to UBS), except with respect to permitted calls under the ARS Rights, consistent with the Registration Statement.

12. The Applicant states that all Eligible Customers who accepted the ARS Rights Offer must have custodied their ARS with UBS. To the extent that an Eligible Customer had moved its accounts from UBS, the Eligible Customer was required to transfer its ARS to an account with UBS but such account did not bear a custody fee.

13. Under the terms of the ARS Rights, during the appropriate Exercise Period (as defined above), Eligible Customers who accepted the ARS Rights Offer were entitled to put, for par value (plus accrued but unpaid interest or dividends), any of their ARS to UBS, and UBS was entitled to call any of those ARS, for par value (plus accrued but unpaid interest or dividends).

14. Under Section 15 of the Texas Settlement, UBS was also required to purchase Auction Rate Securities from certain additional categories of Auction Rate Securities holders, if they contacted UBS. The Applicant represents that no written offer was required under that Settlement, although the Settlement offer was publicized by Texas.

15. The Applicant states that there were Settlements involving UBS and the following federal and state authorities: The SEC, New York, Massachusetts and Texas. The Applicant states that since August 2008, UBS has purchased ARS in the amount of $18,047,380,000 pursuant to the SEC Settlement (and the New York and Massachusetts Settlements, which tracked the SEC Settlement) and $161,550,000 pursuant to the Texas Settlement.[11] The Applicant explains that while there should be no future purchases under the SEC settlement, UBS expects there will be such purchases under the Texas Settlement because it requires UBS to continue to buy from Eligible Customers under the Settlement until it has spent $200 million, which it has not done yet. Accordingly, the Applicant is requesting prospective relief for such future Settlement Sales and Section 15 Settlement Sales and retroactive relief for Settlement Sales and Section 15 Settlement Sales that have already occurred.

16. With respect to Unrelated Sales, the Applicant states that to the best of its knowledge, as of December 10, 2012, no Unrelated Sale to a Plan has occurred.[12] However, the Applicant states that retroactive relief (and prospective relief) is necessary in the event that a sale of ARS by a Plan to UBS has occurred, or will occur, outside the Settlement process.

17. The Applicant states that the Settlement Sales, Section 15 Texas Settlement Sales and Unrelated Sales (hereinafter, each, a Covered Sale) are in the interests of Plans. In this regard, the Applicant states that the Covered Sales permit Plans to normalize Plan investments. The Applicant represents that each Covered Sale has been and will be for no consideration other than cash payment against prompt delivery of the ARS, and such cash has equaled, and will equal, the par value of the ARS, plus any accrued but unpaid interest or dividends. The Applicant represents further that Plans have not paid, and will not pay, any commissions or transaction costs with respect to any Covered Sale.

18. The Applicant represents that the proposed exemption is protective of the Plans. The Applicant states that, except in the case of a Plan sponsored by UBS for its own employees (i.e., a UBS Plan), each Covered Sale has been made, and will be made, pursuant to a written offer (i.e., pursuant to an Unrelated Offer, an ARS Rights Offer, or a Settlement offer made under Section 15 of the Texas Settlement Agreement; together, an Offer). The Applicant states further that, with limited exceptions, the decision to accept the Offer or retain the ARS has been made, and will be made, by a Plan fiduciary or Plan participant or IRA owner who is independent of UBS. Additionally, each Offer has been delivered, and will be delivered, in a manner designed to alert a Plan fiduciary that UBS intends to purchase ARS from the Plan. Offers made in connection with an Unrelated Sale have described, and will describe, the material terms of the Unrelated Sale,

[10] The Applicant represents that UBS extended the Offer Period to December 19, 2008.

[11] The Applicant notes that not every ARS holder who was eligible for the ARS Rights Offer accepted such offer. Additional ARS positions with a par value of approximately $57 million were eligible for the ARS Rights Offer but the holders of the rights did not accept such offer. The Applicant states that UBS has no way of knowing how much of the foregoing $57 million in ARS remains outstanding because the positions are not held at UBS. The Applicant believes that a majority of those positions were repurchased by other firms and/or redeemed by the issuer. Similarly, the Applicant states that it does not know the dollar value of outstanding ARS that are eligible for repurchase under the Texas Settlement. UBS is not obligated to repurchase any further ARS relating to the ARS Rights Offering. However, UBS is obligated to repurchase eligible ARS under the Texas Settlement up to a total of $200 million of which $161,550,000 has been spent to date.

[12] The Applicant explains that a handful of unrelated sales have occurred with written offers to buy at par value and pursuant to a settlement agreement; however, none of these sales involved a Plan or an IRA. In addition, the Applicant states that UBS may facilitate sales of ARS in the market as agent for clients at their request.

including the most recent rate information for the ARS (if reliable information is available). Either the Offer or other materials available to the Plan have provided, and will provide, the identity and par value of the ARS. Offers made in connection with a Settlement Agreement specifically include, among other things: The background of the Offer; the method and timing by which a Plan may accept the Offer; the expiration date of the Offer; a description of certain risk factors relating to the Offer; how to obtain additional information concerning the Offer; and the manner in which information concerning material amendments or changes to the Offer will be communicated to affected Plans. The Applicant states that, except in the case of a UBS Plan or a pooled fund advised by UBS, neither UBS nor any affiliate has exercised, or will exercise, investment discretion, or has rendered, or will render, investment advice with respect to a Plan's decision to accept the Offer or retain the ARS. In the case of a UBS Plan or a pooled fund maintained or advised by UBS, the decision to engage in a Covered Sale has been made, and may be made, by UBS after UBS has determined that such purchase is in the best interest of the UBS Plan or pooled fund. The Applicant represents further that Plans have not waived, and will not waive, any rights or claims in connection with any Covered Sale except where permitted under a Section 15 Texas Settlement Sale.[13]

19. The Applicant represents that the proposed exemption, if granted, would be administratively feasible. In this regard, the Applicant notes that each Covered Sale has occurred, and will occur, at the par value of the affected ARS, plus any accrued but unpaid interest or dividends, and such value is readily ascertainable. The Applicant represents further that UBS has maintained, and will maintain, the records necessary to enable the Department and Plan fiduciaries, among others, to determine whether the conditions of this exemption, if granted, have been met.

20. In summary, the Applicant represents that the transactions described herein satisfy the statutory criteria of section 408(a) of the Act because, among other things:

(a) Except in the case of a UBS Plan or a Section 15 Texas Settlement Sale, each Covered Sale has been made and shall be made pursuant to a written Offer;

(b) Each Covered Sale has been and shall be for no consideration other than cash payment against prompt delivery of the ARS;

(c) The amount of each Covered Sale has equaled and shall equal the par value of the ARS, plus any accrued but unpaid interest or dividends;

(d) No Plan has waived nor shall waive any rights or claims in connection with any Covered Sale except as permitted under a Section 15 Texas Settlement Sale;

(e) Except in the case of a UBS Plan or a pooled fund maintained or advised by UBS:

(1) The decision to accept an Offer or retain the ARS has been made and shall be made by a Plan fiduciary or Plan participant or IRA owner who is independent of UBS; and

(2) neither UBS nor any affiliate has exercised or shall exercise investment discretion or render investment advice within the meaning of 29 CFR 2510.3–21(c) with respect to the decision to accept the Offer or retain the ARS except with respect to permitted calls under the ARS Rights, consistent with the Registration Statement;

(f) Plans have not paid and shall not pay any commissions or transaction costs with respect to any Covered Sale;

(g) A Covered Sale has not been and shall not be part of an arrangement, agreement or understanding designed to benefit a party in interest to the affected Plan; and

(h) UBS has made available and shall make available in connection with an Unrelated Sale the material terms of the Unrelated Sale, including the most recent rate information for the ARS (if reliable information is available), and the identity and par value of the ARS.

Notice to Interested Persons

The Applicant represents that the potentially interested participants and beneficiaries cannot all be identified and therefore the only practical means of notifying such participants and beneficiaries of this proposed exemption is by the publication of this notice in the **Federal Register**. Comments and requests for a hearing must be received by the Department no later than 30 days from the date of publication of this notice of proposed exemption in the **Federal Register**.

All comments will be made available to the public. Warning: Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: Anna Mpras Vaughan of the Department, telephone (202) 693–8565. (This is not a toll-free number.)

The ABB Inc. Cash Balance Pension Plan (the Cash Balance Plan); the Cash Balance Pension Plan for Certain Represented Employees of ABB Inc. (the Union Cash Balance Plan); the Pension Plan for Employees of the Process Analytics Division of ABB Inc. Represented by the Laborer's International Union of North America (AFL–CIO), Local No. 1304 (the Process Analytics Plan); the Pension Plan of Fischer & Porter Company (the Fisher & Porter Plan); and the ABB Inc. Pension Plan (UE 625 & 626) (the UE 625 & 626 Plan) (each a Plan, and collectively, the Plans) Located in Cary, NC.

[Application Nos. D–11742 thru D–11746 respectively]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974, as amended (ERISA or the Act), and section 4975(c)(2) of the Internal Revenue Code of 1986, as amended (the Code), and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (76 FR 66637, 66644, October 27, 2011).[14] If the exemption is granted, the restrictions of sections 406(a)(1)(A) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975(c)(1)(A) and (E) of the Code, shall not apply, to the in-kind contribution (the Contribution) of certain U.S. Treasury Bills (the Securities) to the Plans by ABB Inc., a party in interest with respect to the Plans, on September 14, 2012, provided that the following conditions are satisfied:

(a) The fair market value of the Securities was determined by ABB Inc. based on the closing price of the Securities on the date of Contribution (the Contribution Date) as quoted by Bloomberg L.P., an independent third party in the business of providing financial data;

(b) The Securities represented less than 12% of the assets of any Plan;

(c) The terms of the Contribution were no less favorable to the Plans than those

[13] The Applicant states that while there may have been, or may be, communication between a Plan and UBS subsequent to an Offer, such communication has not involved, and will not involve, advice regarding whether the Plan should accept the Offer.

[14] For purposes of this proposed exemption, references to the provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

negotiated at arm's length under similar circumstances between unrelated parties;

(d) The Plans paid no commissions, costs or fees with respect to the Contribution; and

(e) ABB Inc. reviewed the methodology used to value the Securities and ensured that the Plans received the fair market value of the Securities.

DATES: *Effective Date:* If granted, this proposed exemption will be effective as of September 14, 2012.

Summary of Facts and Representations

Parties to the Covered Transaction

1. ABB Inc. is the U.S. subsidiary of Asea Brown Boveri Ltd. (ABB), a multinational corporation operating primarily in robotics, power, and automation technologies, headquartered in Zurich, Switzerland.[15] ABB Inc. is headquartered in Cary, North Carolina and employs approximately 20,000 individuals in the U.S. ABB Inc.'s five main divisions include: power products, power systems, discrete automation and motion, low voltage products, and process automation. ABB Inc. provides or has provided a retirement benefit to its employees through the following defined benefit plans:

A. The Cash Balance Plan, which is ABB Inc.'s largest Plan, is a cash balance plan that was established on January 1, 1992. The Cash Balance Plan covers eligible employees of ABB Inc., ABB Treasury Center USA, and Kuhlman Electric Corporation. As of December 31, 2011, the Cash Balance Plan was frozen to new participants and benefit accruals. ABB Inc. states that, for the plan year beginning January 1, 2012, the Cash Balance Plan had an Adjusted Funding Target Attainment Percentage (AFTAP) of 112.29%. Further, as of April 30, 2012, the Cash Balance Plan had assets of $820,244,694, and, as of June 16, 2012, the Plan had 16,263 participants and beneficiaries.

B. The Union Cash Balance Plan, established on July 1, 1999, is a single-employer cash balance plan providing pension benefits for eligible collectively-bargained employees of ABB Jefferson City. ABB Inc. states that, for the plan year beginning January 1, 2012, the Union Balance Cash Plan had an AFTAP of 113.72%. Further, as of April 30, 2012, the Union Cash Balance Plan had assets of $40,040,132, and, as of June 26, 2012, the Union Cash Balance Plan had 697 participants and beneficiaries.

C. The Process Analytics Plan is a defined benefit plan established on February 1, 1984. It covers eligible collectively-bargained employees who are employed at the ABB Inc. plant in Lewisburg, West Virginia. ABB Inc. states that, as of the plan year beginning January 1, 2012, the Process Analytics Plan had an AFTAP of 120.39%. Further, as of April 30, 2012, the Plan had assets of $7,660,258 and, as of June 26, 2012, the Plan had 161 participants and beneficiaries.

D. The Fischer & Porter Plan is a defined benefit plan that was established on January 1, 1947. It covers certain collectively bargained employees working at the ABB Inc. location in Warminster, Pennsylvania. ABB Inc. states that, as of the plan year beginning January 1, 2012, the Fischer & Porter Plan had an AFTAP of 114.16%. Further, as of April 30, 2010, the Fischer & Porter Plan had assets of $57,762,579, and, as of June 26, 2012, the Plan had 1,466 participants and beneficiaries.

E. The UE 625 & 626 Plan is a defined benefit plan that was established on September 15, 1984. It covers certain eligible employees represented under a collective bargaining agreement by the United Electrical, Radio and Machine Workers of America (UE). The UE 625 & 626 Plan had an AFTAP of 121.70% as of January 1, 2012. Further, as of April 30, 2012, the UE 625 & 626 Plan had assets of $18,854,815, and, as of June 26, 2012, the Plan had 221 participants and beneficiaries.

2. The assets of the Plans are held in the ABB Inc. Master Trust (the Master Trust) for which the Bank of NY Mellon serves as the trustee. The ABB Inc. Pension Review Committee (PRC) has investment discretion over the assets of the Plans including those additional assets that would be covered by the proposed exemption, if granted. ABB Inc. maintains a risk management committee (the Pension and Risk Management Committee), comprised of two to three employees, that advises the PRC regarding the investment of the assets in the Master Trust. However, the PRC is the entity responsible for implementing investment decisions on behalf of ABB Inc. Towers Watson (the Actuary), a Delaware corporation, serves as the actuary for each of the Plans.

Contribution of the Securities

3. ABB Inc. represents that each of the Plans has had an AFTAP equal to or in excess of 100% each year since 2010. In addition, ABB Inc. states that on June 1, 2012, the PRC increased the Master Trust's cash target allocation from 10% to 20% for a period of 6 months due to recent volatility in the equity markets. ABB Inc. notes that the PRC determined that it was prudent to increase the cash target allocation to provide flexibility in the event that changes in the Master Trust's investments needed to be made. Furthermore, ABB Inc. desired to contribute additional cash and cash equivalents to the Master Trust, as described below, which would affect the amount of plan assets allocated to cash.

4. ABB Inc. represents that it sought to make a contribution (the Contribution) of Treasury Bills (the Securities) to the Master Trust as part of its long-term approach to having well-funded pension plans. According to ABB Inc., no additional contributions were required to be made to the Plans in 2012. ABB Inc. states that the decision regarding which Plans would be funded by the Contribution was based on a number of factors, including the Plans' funded status and projected normal costs. Furthermore, the Contributions would be well in excess of the minimum contribution requirements of the Plans.

5. ABB Inc. states that it determined to make the Contribution in the form of Treasury Bills, because a contribution of cash-equivalent securities will garner more favorable accounting treatment than cash when used to fund ABB Inc.'s pension liabilities. ABB Inc. explains that the contribution was reported on ABB Inc.'s financial statements under U.S. accounting standards as a use of cash from investing activities and was disclosed in the notes to the financial statements. According to ABB Inc., this will allow the company to avoid burdening current year gross cash flows that would occur if ABB Inc. contributed cash. ABB Inc. states that, consequentially, readers of their financial statements will be able to better distinguish between current operational performance of ABB Inc. from a significantly higher than normal Plan contribution event, and any potential negative impact of the Contribution on ABB Inc.'s cost of capital will be limited.

6. ABB Inc. states that, in order to effect the Contribution, it purchased Treasury Bills in two separate acquisitions. On June 7, 2012, ABB Inc. acquired Treasury Bills in the maturity amount of $14,100,000 with an effective yield of 0.086%. On June 19, 2012, ABB Inc. acquired additional Treasury Bills in the maturity amount of $4,025,000 with an effective yield of 0.089%. Both purchases occurred over-the-counter and from unrelated parties. The purchased Treasury Bills were placed in an ABB Inc. account at Credit Suisse Securities (Credit Suisse). The total

[15] The ABB group of related companies operates in approximately 100 countries and employs 145,000 worldwide.

value of the Securities at their four-month maturity date on September 27, 2012 was $18,125,000.

7. On September 14, 2012, based on the recommendation of the Pension and Risk Management Committee, the PRC voted to contribute the Securities to the Plans, and the Securities were contributed on the same date. Credit Suisse notified ABB Inc. that the September 14, 2012 closing price for Treasury Bills maturing as of September 27, 2012, as reported in Bloomberg L.P. pricing services, was 99.9978333. Based on this pricing information, ABB Inc. calculated the value of the Securities on the date of Contribution (the Contribution Date) as $18,124,607 ($18,125,000 maturity value x 99.9978333 closing price).[16]

8. Upon their receipt by the Master Trust, the Securities, valued at $18,124,607, were allocated as follows:

Plan	Allocation of face value of securities	Allocation of FMV of securities	Percentage of total contribution	Total plan assets [17]	Contribution as % of plan assets
Cash Balance Plan	$14,100,000	14,099,695	77.79	820,244,694	1.72
Process Analytics Plan	600,000	599,987	3.31	7,660,258	7.83
UE 625 & 626 Plan	2,200,000	2,199,952	12.14	18,854,815	11.67
Fisher & Porter Plan	725,000	724,984	4.00	57,762,579	1.26
Union Cash Balance Plan	500,000	499,989	2.76	40,040,132	1.25
Totals	18,125,000	18,124,607	100	944,562,478	1.92

ABB Inc. states that it allocated the face value of the Securities among the Plans based on preliminary 2012 funding valuation projections prepared by the Actuary. ABB Inc. states that the amounts allocated to the Union Cash Balance, the Process Analytics Plan, the UE 625 & 626 Plan, and the Fischer & Porter Plan were the amounts needed to increase each Plan's projected 1/1/2012 AFTAP above 100%.[18] The Securities matured two weeks later, on September 27, 2012, at $18,125,000.

9. ABB Inc. represents that the Contribution did not produce a material change in the AFTAP for any Plan, as each Plan's AFTAP exceeded 100% irrespective of the Contribution. ABB Inc. states that following the Contribution the funding status of the Plans increased as follows:

Plan	Estimated AFTAP without discounted securities contribution	AFTAP with discounted securities contribution	Increase in AFTAP due to securities contribution
Cash Balance Plan	110.44	112.29	1.85
Process Analytics Plan	112.35	113.72	1.37
UE 625 & 626 Plan	111.74	120.39	8.65
Fisher & Porter Plan	109.09	121.70	12.61
Union Cash Balance Plan	112.78	114.16	1.38

Request for Exemptive Relief

10. ABB Inc. requests exemptive relief for the Contribution, which represents an in-kind contribution to the Plans from ABB Inc., a party in interest with respect to the Plans. In this regard, ABB Inc. states that the PRC, which is a fiduciary with respect to the Plans, caused a sale or exchange between a party in interest and the Plans prohibited by section 406(a)(1)(A) of the Act. Furthermore, ABB Inc. states that the Contribution violated sections 406(b)(1) and (2) of the Act. In this regard, ABB Inc. explains that the PRC, as a fiduciary with respect to the Plans, dealt with the assets of the Plans in its own interest or its own account in violation of 406(b)(1) of the Act and acted in a capacity where its interests were adverse to the interests of the Plans and the interests of the participants and beneficiaries of the Plans in violation of 406(b)(2) of the Act.

Statutory Findings

11. ABB Inc. represents that the Contribution was administratively feasible because it was a one-time transaction that requires no further action by the Department.

12. ABB Inc. represents that the Contribution was in the interests of the Plans and their participants and beneficiaries because the Contribution, as allocated amongst the Plans, was in excess of the minimum required contribution for each of the Plans. In this regard, ABB Inc. notes that it was not required to make any contributions to the Plans for the 2012 Plan Year. Furthermore, each of the Plans had higher AFTAPs as a result of the Contribution. As illustrated in the above table, the increases ranged from 1.37% for the Process Analytics Plan to 12.61% for the Fischer & Porter Plan. ABB Inc. emphasizes that, absent the

[16] According to ABB Inc., on December 12, 2012, Credit Suisse provided ABB Inc. with a computer screenshot of the closing price of the Securities on September 14, 2012, as reported by Bloomberg L.P., which displayed a closing price of 99.997563: 0.00027 less than what Credit Suisse previously reported. The resulting revised Contribution Date value was $49 less than the amount originally calculated. To ensure that the Plans were adequately protected with respect to the Contribution, ABB Inc. contributed $49, plus interest calculated at 8% from the date of contribution up to the date such interest was paid to the Plans.

The Department is not offering its view whether ABB Inc.'s use of the original closing price for the Securities in fulfillment of its funding, reporting and disclosure obligations comports with its duties under section 404(a) of the Act, which requires, among other things, that a fiduciary discharge its duties with respect to a plan solely in the interest of the Plans' participants and beneficiaries, and in a prudent fashion.

[17] All asset values are based on fair market value data as of April 30, 2012.

[18] ABB Inc. notes that the projected funding valuation results prepared by the Actuary and ABB Inc.'s allocation decisions were made prior to the passage of the Moving Ahead for Progress in the 21st Century Act (MAP–21), legislation enacted on July 6, 2012, that, among other things, changed the interest rate that pension plans use to measure their liabilities thereby impacting the Plans' 2012 funding results. After the passage of MAP–21, the amounts allocated to the Plans were not needed to increase the AFTAP above 100%.

Contribution, these increases would not have occurred.

13. ABB Inc. states that the Contribution was protective of the Plans and of their participants and beneficiaries because the Securities are cash equivalents with a readily ascertainable fair market value, which are guaranteed by the U.S. Treasury. According to ABB Inc., it determined the value of the Securities as of the date of the Contribution based on an independent, third party source in the business of providing financial data, and the PRC ensured that the Plans received the full fair market value of the Securities. Furthermore, ABB Inc. determined that the fair market value of the Securities was unlikely to fluctuate to any significant degree such that the Contribution posed little risk of abuse or loss that would affect the Plans' participants or beneficiaries.

Moreover, ABB Inc. states that the Securities were purchased from unrelated third parties and matured within two weeks of the Contribution Date. ABB Inc. states further that the Plans paid no fees, commissions or costs in connection with the Contribution. Finally, ABB Inc. represents that, had the Plans needed to sell the Securities prior to their maturity, ABB Inc. would have covered all transaction costs associated with such sale.

Summary

14. In summary, ABB Inc. represents that the Contribution satisfied the statutory requirements for an exemption under section 408(a) of the Act because:

(a) The fair market value of the Securities was determined by ABB Inc. based on the closing price of the Securities on the Contribution Date as quoted by Bloomberg L.P., an independent third party in the business of providing financial data;

(b) The Securities represented less than 12% of the assets of any Plan;

(c) The terms of the Contribution were no less favorable to the Plans than those negotiated at arm's length under similar circumstances between unrelated parties;

(d) The Plans paid no commissions, costs or fees with respect to the Contribution; and

(e) The PRC reviewed the methodology used to value the Securities and ensured that the Plans received the fair market value of the Securities.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons in the manner agreed upon by ABB Inc. and the Department within 15 days of the date of publication in the **Federal Register**. Such notice will contain a copy of the notice of proposed exemption, as published in the **Federal Register**, and a supplemental statement, as required pursuant to 29 CFR 2570.43(a)(2). The supplemental statement will inform interested persons of their right to comment on and to request a hearing with respect to the pending exemption. Written comments and hearing requests are due within 45 days of the publication of the notice of proposed exemption in the **Federal Register**. All comments will be made available to the public.

Warning: Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Erin Brown of the Department at (202) 693–8352. (This is not a toll-free number.)

American International Group, Inc. Incentive Savings Plan (the Savings Plan), American General Agents' & Managers' Thrift Plan (the Thrift Plan), and Chartis Insurance Company—Puerto Rico Capital Growth Plan (the Chartis Plan) (collectively, the Plans) Located in New York, NY and Puerto Rico

[Application Nos. D–11767, D–11768, and D–11769]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 46637, 66644, October 27, 2011).

Section I. Transactions

If the proposed exemption is granted:

(a) The restrictions of sections 406(a)(1)(A), 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) and (E) of the Code,[19] shall not apply for the ten-year period, effective January 19, 2011 through January 19, 2021, to:

(1) The acquisition by the Savings Plan and the Thrift Plan of certain warrant rights (the Warrants) from American International Group, Inc. (AIG), a party in interest with respect to the Savings Plan and the Thrift Plan; and

(2) The holding of the Warrants by the Savings Plan and the Thrift Plan.

(b) The restrictions of sections 406(a)(1)(A), 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2) and 407(a) of the Act[20] shall not apply to:

(1) The acquisition by the Chartis Plan of the Warrants from AIG, a party in interest with respect to the Chartis Plan; and

(2) The holding of the Warrants by the Plans.

Section II. Conditions

The relief provided in this proposed exemption is conditioned upon adherence to the material facts and representations set forth in the application file, and upon compliance with the conditions, as set forth herein.

(a) All decisions regarding the holding and sale of the Warrants have been and will be made by the Plans' participants;

(b) The Plans' acquisition of the Warrants resulted from an independent act of AIG as a corporate entity, and without any participation on the part of the Plans;

(c) The acquisition of the Warrants by the Plans occurred in connection with a recapitalization plan approved by the Board of Directors of AIG, in which all holders of AIG common stock, including the Plans, were treated exactly the same;

(d) All holders of AIG common stock, including the Plans, were issued the same proportionate number of Warrants based on the number of shares of AIG common stock held by such shareholder;

(e) The acquisition of the Warrants by the Plans was made in a manner that was consistent with provisions of each such Plan for the individually-directed investment of participant accounts;

(f) The Plans did not pay any fees or commissions in connection with the acquisition of the Warrants;

(g) The Plans did not pay, nor will the Plans pay, any fees or commissions in connection with the holding of the Warrants;

(h) The Plans did not pay, nor will the Plans pay, any brokerage fees or

[19] For purposes of this proposed exemption, references to specific provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

[20] It is represented that the fiduciaries of the Chartis Plan have not made an election, under section 1022(i)(2) of the Act, whereby such plan would be treated as a trust created and organized in the United States for purposes of tax qualification under section 401(a) of the Code. Further, it is represented that jurisdiction under Title II of the Act does not apply to the Chartis Plan. Accordingly, the Department, herein, is not providing any relief from the prohibitions, as set forth in Title II of the Act, in connection with the acquisition and holding of the Warrants by the Chartis Plan.

commissions to any broker affiliated with AIG, Chartis, or the Trustees in connection with the sale of the Warrants; and

(i) AIG will provide annual written notices to all participants in the Plans holding Warrants to remind them to sell their Warrants before such Warrants expire on January 19, 2021.

DATES: *Effective Date:* This proposed exemption, if granted, will be effective for the period commencing January 19, 2011 through January 19, 2021.

Summary of Facts and Represenatations

1. AIG, a Delaware corporation with its headquarters in New York, NY, operates in over 90 countries across the world, including Puerto Rico and the Virgin Islands. As a holding company with subsidiaries, AIG engages primarily in a broad range of insurance and insurance-related activities. Among the wholly owned subsidiaries of AIG is Chartis Insurance Company (Chartis), which is headquartered in San Juan, Puerto Rico.

2. AIG sponsors the Savings Plan and the Thrift Plan, which are individually-directed, defined contribution plans that are intended to satisfy the requirements of section 401(a) of the Code and section 404(c) of the Act. As of December 31, 2011, the Savings Plan had 39,192 participants and $2,783,237,363 in assets, of which $8,177,958.39 were invested in AIG common stock, representing 0.29% of such Plan's total assets. As of December 31, 2011, the Thrift Plan had 2,462 participants and $74,443,107 in assets, of which $483,035.01 were invested in AIG common stock, representing 0.65% of the assets of such Plan. The directed trustee of the Savings Plan and the Thrift Plan is Mercer Trust Company (Mercer), a New Hampshire limited purpose bank.

3. The Chartis Plan, which is sponsored by Chartis, is an individually-directed, defined contribution plan that is intended to satisfy the requirements of Code section 401(a), although it has not elected to be subject to the qualification requirements of the Code and section 404(c) of the Act. The Chartis Plan is also intended to comply with the requirements of sections 1165(a) and (e) of the Puerto Rico Internal Revenue Code of 1994, as amended. As of December 31, 2011, the Chartis Plan had 234 participants and held $8,269,051 in total assets, of which $13,283.74 were invested in AIG common stock, representing 0.16% of the assets of such Plan. The directed trustee of the Chartis Plan is Banco Popular De Puerto Rico [21] (Banco Popular), which is organized and exists under the laws of the Commonwealth of Puerto Rico.

4. In 2008, the U.S. Government provided significant financial assistance to AIG. In connection with this assistance, AIG issued preferred stock to a trust which held such stock for the sole benefit of the U.S. Department of the Treasury (Treasury). The preferred stock entitled Treasury to approximately 79.8% of the voting power in AIG.

On September 30, 2010, a blueprint was announced for the eventual exit of the U.S. Government from its investment in AIG. In this regard, on December 8, 2010, AIG announced that it had entered into a recapitalization agreement with Treasury. On January 14, 2011, the recapitalization plan was completed. As part of the plan, the preferred stock previously held by Treasury in the trust was exchanged for approximately 1.655 billion shares of AIG common stock. This resulted in Treasury holding approximately 92% of AIG's common stock.

5. In addition, AIG declared a ''warrant dividend'' on shares of AIG common stock outstanding on January 13, 2011 (the Record Date). Holders of AIG common stock on the Record Date received .533933 Warrants for each share of common stock. Each Warrant entitles the holder to purchase one share of AIG common stock at a strike price of $45 per share. The Warrants, like AIG common stock, are tradable on the New York Stock Exchange (NYSE) under the ticker symbol ''AIGWS.'' The Warrants expire on January 21, 2021, if not sold or exercised.

The AIG Warrants were distributed at the close of business on January 19, 2011 to AIG common shareholders of record, including the Plans, as of the Record Date. The participants in the Plans were notified by AIG of the Warrant distribution through several written communications. The Warrants were distributed to 12,384 participants in the Savings Plan, 902 participants in the Thrift Plan, and to 39 participants in the Chartis Plan. The Plans did not incur any fees or commissions in connection with the acquisition of the Warrants, nor are the Plans incurring any fees or commissions in connection with the holding of such Warrants.

6. Until May 4, 2009, the Plans permitted participants to invest in the AIG Stock Fund, which held primarily AIG common stock. The AIG Stock Fund was closed to new investors as of May 4, 2009, with existing investors able to transfer out at any time. In other words, participants of the Plans were no longer able to purchase shares of AIG common stock as part of their investment options. As of the Record Date, the AIG Stock Fund held 424,787 shares of AIG common stock or 0.026% of shares of outstanding AIG common stock. As a result of such stock holdings, the AIG Stock Fund was issued approximately 226,808 Warrants on January 19, 2011.

7. Between January 19, 2011 and February 13, 2011, the Warrants were held on behalf of the Plans in the AIG Stock Fund. During this period, a unit in the AIG Stock Fund consisted of: (a) An interest in AIG common stock held by the AIG Stock Fund; (b) an interest in the Warrants held by such Fund; and (c) an interest in the cash vehicle held by such Fund. The AIG Stock Fund units were indivisible, therefore, any redemption by a participant in the Plans of an AIG Stock Fund unit during this period resulted in the receipt of cash by the participant representing the participant's interest in the Warrants and the cash vehicle, in addition to either AIG common stock or cash in lieu thereof, at the participant's election.

8. On February 15, 2011, all the Warrants remaining in the AIG Stock Fund (222,226.901) were moved into a newly-created fund (the AIG Warrant Fund). The AIG Warrant Fund, like the AIG Stock Fund, is a frozen fund. As of March 6, 2013, the AIG Warrant Fund held Warrants on behalf of 9,179 Savings Plan participants, 689 Thrift Plan participants, and 25 Chartis Plan participants. While participants in the Plans may sell the Warrants held on their behalf in the AIG Warrant Fund, they may not exercise such Warrants, unlike other Warrant holders. According to AIG, the costs and administrative complexities required to allow participants to exercise the Warrants would be extraordinary. For instance, AIG represents that the exercise could have violated an amendment in each Plan preventing participants from investing their future contributions in AIG common stock. In addition, AIG states that such an exercise could be problematic to implement within a 401(k) account. In this regard, AIG explains that it would be required to receive cash in an exchange for AIG common stock. Because the Plans do not offer cash-only holding accounts, if such accounts were created, participants would need to be counseled and guided, as to how to generate sufficient fund balances to affect the Warrant exercise. Further, AIG explains that participants in the Plans would be paying cash to

[21] Mercer and Banco Popular are together referred to herein as the ''Trustees.''

their sponsors, which concerned AIG's counsel.

Finally, AIG notes that a system would have to be established with the Plans in order for AIG to send shares of AIG common stock to the Plans' Trustees. This system, according to AIG and Mercer, would have cost ''several hundred thousand dollars'' over the life of the Warrants. Thus, in light of the fact that only approximately one-third of the participants would be affected and the cost and difficulty in making such a system work, AIG decided that it was not an appropriate use of the Plans' assets for participants in the Plans to have the ability to exercise the Warrants.

10. To remind participants in the Plans to sell their Warrants before the ten year holding period which expires on January 19, 2021, AIG will provide annual written notices to all participants in the Plans who hold Warrants. Such sales are being conducted on the open market in blind transactions. In connection with the sales of the Warrants, no commissions or fees will be paid to brokers who are affiliated with AIG, Chartis or the Plans' Trustees.[22]

11. AIG notes that the Plans' acquisition and holding of the Warrants constitute prohibited transactions in violation of the Act. In this regard, section 406(a)(1)(A) of the Act prohibits the sale or exchange of property between a plan and a party in interest. AIG is a party in interest with respect to each of the Savings Plan and Thrift Plan as an employer any of whose employees are covered by such Plans, as described under section 3(14)(C) of the Act. AIG is also a party in interest with respect to the Chartis Plan as an owner of 50% or more of the voting stock of Chartis, as described under section 3(14)(E) of the Act. Therefore, the acquisition of the Warrants by the Plans resulted in a prohibited sale or an exchange of property between the Plans and AIG.

The Warrants are also ''employer securities'' within the meaning of section 407(d)(1) of the Act because they are securities issued by an employer of employees covered by the Plans, or by an affiliate of such employer. Section 407(a)(1)(A) of the Act prohibits a plan from acquiring or holding ''any employer security'' which is not a ''qualifying employer security.'' The Warrants are not qualifying employer securities, as defined under section 407(d)(5) of the Act, because they are not (a) stock, (b) marketable obligations, or (c) interests in a publicly traded partnership. Therefore, the Plans' acquisition and holding of the Warrants violate section 407(a)(1)(A) of the Act.

Further, section 406(a)(2) of the Act prohibits a fiduciary with investment discretion from permitting a plan to hold employer securities in violation of section 407(a) of the Act. The Trustees, which are fiduciaries, accepted the Warrants on behalf of the Plans in violation of section 406(a)(2) of the Act.

Section 406(b)(1) of the Act prohibits a plan fiduciary from dealing with the assets of a plan in his own interest or own account. Section 406(b)(2) of the Act prohibits a fiduciary from acting in any transaction involving the plan on behalf of a party whose interests are adverse to interests of the plan or the interests of the plan's participants or beneficiaries. Accordingly, the Trustees' decision to have the Plans acquire and hold the Warrants violated section 406(b)(1) and (b)(2) of the Act.

12. Accordingly, AIG is requesting a retroactive individual exemption from the prohibited transaction provisions described above for the acquisition and holding of the Warrants by the Plans. AIG represents that such an exemption would be administratively feasible because participants in the Plans would be able to dispose of their Warrants at their discretion and as such, no oversight would be required by the Department. Additionally, AIG explains that the exemption would be protective of the participants in the Plans because the issuance of the Warrants was the result of an independent act of AIG acting as a corporate entity, without any participation on the part of the Plans. Moreover, the issuance of the Warrants was part of a recapitalization that was negotiated by AIG and Treasury. Finally, AIG represents that the proposed exemption would be in the interest of the Plans because it permits the acquisition and holding of the Warrants.

13. In summary, AIG represents that the transactions satisfied or will satisfy the statutory criteria for an exemption under section 408(a) of the Act, because: (a) All decisions regarding the holding and sale of the Warrants have been and will be made by the Plans' participants; (b) the Plan's acquisition of the Warrants resulted from an independent act of AIG as a corporate entity, and without any participation of the Plans; (c) the acquisition of the Warrants by the Plans occurred in connection with a recapitalization plan approved by the Board of Directors of AIG, in which all holders of AIG common stock, including the Plans, were treated exactly the same; (d) all holders of AIG common stock, including the Plans, were issued the same proportionate number of Warrants based on the number of shares of AIG common stock held by such shareholders; (e) the acquisition of the Warrants by the Plans was made in a manner that was consistent with the provisions of each such Plan for individually-directed investment of participant accounts; (f) the Plans did not pay any fees or commissions in connection with the acquisition of the Warrants; (g) the Plans did not pay, nor will the Plans pay, any fees or commissions in connection with the holding of the Warrants; (h) the Plans did not pay, nor will the Plans pay, any brokerage fees or commissions to any broker affiliated with AIG, Chartis or the Trustees in connection with the sale of the Warrants; and (i) AIG will provide annual written notices to all participants in the Plans holding Warrants to remind them to sell their Warrants before such Warrants expire on January 19, 2021.

Notice to Interested Persons

The persons who may be interested in the publication in the **Federal Register** of the Notice of Proposed Exemption (the Notice) include all individuals who are participants in the Plans who received the Warrants. It is represented that all such interested persons will be notified of the publication of the Notice by first class mail, to each such interested person's last known address within fifteen (15) days of publication of the Notice in the **Federal Register**. Such mailing will contain a copy of the Notice, as it appears in the **Federal Register** on the date of publication, plus a copy of the Supplemental Statement, as required, pursuant to 29 CFR 2570.43(b)(2), which will advise all interested persons of their right to comment and to request a hearing. All written comments and/or requests for a hearing must be received by the Department from interested persons within 45 days of the publication of this proposed exemption in the **Federal Register**.

All comments will be made available to the public. Warning: Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: Mr. Asrar Ahmed of the Department at (202)

[22] The applicant represents that a $0.023 commission per Warrant traded is paid to State Street Global Markets (State Street). State Street is the executed broker for both of the Trustees, Mercer and Banco Popular.

693–8557. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 12th day of July 2013.

Lyssa E. Hall,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2013–17498 Filed 7–19–13; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, July 25, 2013

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428

STATUS: Open

MATTERS TO BE CONSIDERED:

1. Interpretive Ruling and Policy Statement, Minority Credit Union Preservation Program.
2. Board Briefing—Interagency Proposal, Joint Diversity Standards for Regulated Entities.
3. NCUA's Rules and Regulations, Electronic Filing of Financial Reports.
4. Request from San Francisco FCU to Expand its Community Charter Boundaries.
5. Quarterly Insurance Fund Report.
6. 2013 Temporary Corporate Credit Union Stabilization Fund Assessment.
7. Reprogramming of NCUA's Operating Budget for 2013.

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304

Mary Rupp,

Secretary of the Board.

[FR Doc. 2013–17651 Filed 7–18–13; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 78 FR 23598, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.* Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions f the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street NW. Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION: *Title of Collection:* International Cover Page Addendum

OMB Control No.: 3145–0205.

Abstract: The Office of International Science and Engineering within the Office of the NSF Director will use the International Cover Page Addendum. Principal Investigators submitting proposals to this Office will be asked to complete an electronic version of the International Cover Page Addendum. The Addendum requests foreign counterpart investigator/host information and participant demographics not requested elsewhere in NSF proposal documents.

The information gathered with the International Cover Page Addendum serves four purposes. The first is to enable proposal assignment to the program officer responsible for activity with the primary countries involved. No current component of a standard NSF proposal requests this information. (The international cooperative activities box

on the standard NSF Cover Page applies only to one specific type of activity, not the wide range of activities supported by OISE.) NSF proposal assignment applications are program element-based and therefore can not be used to determine assignment by country. The second use of the information is program management. OISE is committed to investing in activities in all regions of the world. With data from this form, the Office can determine submissions by geographic region. Thirdly, funding decisions can not be made without details for the international partner not included in any other part of the submission process. The fourth section, counts of scientists and students to be supported by the project, are also not available elsewhere in the proposal since OISE budgets do not include participant support costs. These factors are all important for OISE program management.

Estimated Number of Annual Respondents: 600.

Burden on the Public: 150 hours (15 minutes per respondent).

Dated: July 16, 2013.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2013–17421 Filed 7–19–13; 8:45 am]

BILLING CODE 7555–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Data To Study Multiemployer Plan Guaranty Program

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) approve, under the Paperwork Reduction Act, a voluntary collection of information to assist PBGC in modeling potential outcomes of pension plans insured under its multiemployer program. This notice informs the public of the PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by August 21, 2013.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974.

Copies of the request (including the collection of information) may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026 or by visiting the Disclosure Division or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The Disclosure Division will email, fax, or mail the requested information to you, as you request. The request will also be posted on PBGC's Web site at *http://www.pbgc.gov/res/laws-and-regulations/information-collections-under-omb-review.html.*

FOR FURTHER INFORMATION CONTACT: Dan Liebman Attorney, Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026, *liebman.daniel@pbgc.gov* or 202–326–4400, ext. 6510. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4000, ext. 6779.)

SUPPLEMENTARY INFORMATION: The Pension Protection Act of 2006 (Pub. L. 109–280) (PPA) requires the actuary of a multiemployer plan in effect on July 16, 2006 to certify the plan's status within certain zones established under PPA to the plan's trustees and the Secretary of the Treasury within 90 days after the beginning of each plan year. The certification must state whether or not the plan meets any of the tests to be in critical status or endangered status and for a plan already in critical or endangered status, whether the plan is progressing as scheduled toward the applicable statutory target for improved funding. Plans in endangered and critical status are restricted with respect to the types of actions they may take and the types of amendments they may adopt, as well as required to follow special rules during the adoption period of collective bargaining agreements.

PBGC is researching the effects of potential changes to its multiemployer program. PBGC's objective is to quantify the effect of potential policy proposals on multiemployer plans that are or could enter critical status with respect to projected dates of insolvency, amount of financial assistance that PBGC would be required to provide, and the benefit changes plan participants would experience. To assist in this research, PBGC is requesting that OMB approve an information collection request of multiemployer pension plans, their actuarial service providers, and their stakeholders, including unions and relevant professional and trade organizations.

PBGC would request the following types of information (which are routinely provided to plan actuaries):

- The most recent actuarial valuation report.
- The most recent cash flow projections that the plan actuary developed in connection with the plan's rehabilitation plan annual update and a summary of the actuarial assumptions utilized in the projections.
- Participant census data, including accrued benefit, date of birth, date credited service began (for both active and inactive participants, if available), gender, form of payment and other data for participants in pay status, and any plan specific data needed to replicate actuarial valuation results.

PBGC believes the data requested would be readily available and there would be no need to assemble new information. PBGC would not ask for any personally identifiable information (such as name, address, social security number, etc.) in the participant census data.

This information collection would be voluntary on the part of respondents and any information provided in response to this request would not be used for any PBGC enforcement activities. Instead, such information will be used only for research into policy alternatives and would be subject to PBGC's standard confidentiality agreement. The names of the plans submitting data in support of PBGC's research would not appear in any report distributed outside of PBGC.

PBGC is requesting that OMB approve this collection of information for three years. 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.

PBGC estimates that between 40 to 50 plans would respond to this collection of information. PBGC further estimates that the average burden of this collection of information would be four hours and $1,280 per plan, with an average total burden of 180 hours and $57,600.

Issued in Washington, DC, this 17th day of July 2013.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2013–17519 Filed 7–19–13; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension: Rule 303.
SEC File No. 270–450; OMB Control No. 3235–0505.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 303 (17 CFR 242.303) of Regulation ATS (17 CFR 242.300 *et seq.*) under the Securities and Exchange Act of 1934 (''Act'') (15 U.S.C. 78a *et seq.*).

Regulation ATS sets forth a regulatory regime for ''alternative trading systems'' (''ATSs''), which are entities that carry out exchange functions but which are not required to register as national securities exchanges under the Act. In lieu of exchange registration, an ATS can instead opt to register with the Commission as a broker-dealer and, as a condition to not having to register as an exchange, must instead comply with Regulation ATS. Rule 303 of Regulation ATS (17 CFR 242.303) describes the record preservation requirements for ATSs. Rule 303 also describes how such records must be maintained, what entities may perform this function, and how long records must be preserved.

Under Rule 303, ATSs are required to preserve all records made pursuant to Rule 302, which includes information relating to subscribers, trading summaries, and time-sequenced order information. Rule 303 also requires ATSs to preserve any notices provided to subscribers, including, but not limited to, notices regarding the ATSs operations and subscriber access. For an ATS subject to the fair access requirements described in Rule 301(b)(5)(ii) of Regulation ATS, Rule 303 further requires the ATS to preserve at least one copy of its standards for access to trading, all documents relevant to the ATS's decision to grant, deny, or limit access to any person, and all other documents made or received by the ATS in the course of complying with Rule 301(b)(5) of Regulation ATS. For an ATS subject to the capacity, integrity, and security requirements for automated systems under Rule 301(b)(6) of Regulation ATS, Rule 303 requires an ATS to preserve all documents made or received by the ATS related to its compliance, including all correspondence, memoranda, papers, books, notices, accounts, reports, test scripts, test results and other similar records. As provided in Rule 303(a)(1), ATSs are required to keep all of these records, as applicable, for a period of at least three years, the first two in an easily accessible place. In addition, Rule 303 requires ATSs to preserve records of partnership articles, articles of incorporation or charter, minute books, stock certificate books, copies of reports filed pursuant to Rule 301(b)(2), and records made pursuant to Rule 301(b)(5) for the life of the ATS.

The information contained in the records required to be preserved by Rule 303 will be used by examiners and other representatives of the Commission, state securities regulatory authorities, and the self-regulatory organizations (''SROs'') to ensure that ATSs are in compliance with Regulation ATS as well as other applicable rules and regulations. Without the data required by the Rule, regulators would be limited in their ability to comply with their statutory obligations, provide for the protection of investors, and promote the maintenance of fair and orderly markets.

Respondents consist of ATSs that choose to register as broker-dealers and comply with the requirements of Regulation ATS. There are currently 92 respondents. To comply with the record preservation requirements of Rule 303, these respondents will spend approximately 1,380 hours per year (92 respondents at 15 burden hours/respondent). At an average cost per burden hour of $104.20, the resultant total related cost of compliance for these respondents is $143,796 per year (1,380 burden hours multiplied by $104.20/hour).

Compliance with Rule 303 is mandatory. The information required by Rule 303 is available only for the examination of the Commission staff, state securities authorities and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522 (''FOIA''), and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information Under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted within 30 days of this notice.

Dated: July 16, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17474 Filed 7–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension: Rule 20a–1.
OMB Control No. 3235–0158, SEC File No. 270–132

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 20a–1 (17 CFR 270.20a–1) was adopted under Section 20(a) of the Investment Company Act of 1940 (''1940 Act'') (15 U.S.C. 80a–20(a)) and concerns the solicitation of proxies, consents, and authorizations with

respect to securities issued by registered investment companies (''Funds''). More specifically, rule 20a–1 under the 1940 Act (15 U.S.C. 80a–1 et seq.) requires that the solicitation of a proxy, consent, or authorization with respect to a security issued by a Fund be in compliance with Regulation 14A (17 CFR 240.14a–1 et seq.), Schedule 14A (17 CFR 240.14a–101), and all other rules and regulations adopted pursuant to section 14(a) of the Securities Exchange Act of 1934 (''1934 Act'') (15 U.S.C. 78n(a)). It also requires, in certain circumstances, a Fund's investment adviser or a prospective adviser, and certain affiliates of the adviser or prospective adviser, to transmit to the person making the solicitation the information necessary to enable that person to comply with the rules and regulations applicable to the solicitation. In addition, rule 20a–1 instructs Funds that have made a public offering of securities and that hold security holder votes for which proxies, consents, or authorizations are not being solicited, to refer to section 14(c) of the 1934 Act (15 U.S.C. 78n(c)) and the information statement requirements set forth in the rules thereunder.

The types of proposals voted upon by Fund shareholders include not only the typical matters considered in proxy solicitations made by operating companies, such as the election of directors, but also include issues that are unique to Funds, such as the approval of an investment advisory contract and the approval of changes in fundamental investment policies of the Fund. Through rule 20a–1, any person making a solicitation with respect to a security issued by a Fund must, similar to operating company solicitations, comply with the rules and regulations adopted pursuant to Section 14(a) of the 1934 Act. Some of those Section 14(a) rules and regulations, however, include provisions specifically related to Funds, including certain particularized disclosure requirements set forth in Item 22 of Schedule 14A under the 1934 Act.

Rule 20a–1 is intended to ensure that investors in Fund securities are provided with appropriate information upon which to base informed decisions regarding the actions for which Funds solicit proxies. Without rule 20a–1, Fund issuers would not be required to comply with the rules and regulations adopted under Section 14(a) of the 1934 Act, which are applicable to non-Fund issuers, including the provisions relating to the form of proxy and disclosure in proxy statements.

The staff currently estimates that approximately 1,108 proxy statements are filed by Funds annually. Based on staff estimations and information from the industry, the staff estimates that the average annual burden associated with the preparation and submission of proxy statements is 85 hours per response, for a total annual burden of 94,180 hours (1,108 responses × 85 hours per response = 94,180). In addition, the staff estimates the costs for purchased services, such as outside legal counsel, proxy statement mailing, and proxy tabulation services, to be $30,000 per proxy solicitation.

Rule 20a–1 does not involve any recordkeeping requirements. Providing the information required by the rule is mandatory and information provided under the rule will not be kept confidential.

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 control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 16, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17472 Filed 7–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension: Rule 302.

SEC File No. 270–453, OMB Control No. 3235–0510.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 302 (17 CFR 242.302) of Regulation ATS (17 CFR 242.300 *et seq.*) under the Securities and Exchange Act of 1934 (''Act'') (15 U.S.C. 78a *et seq.*).

Regulation ATS sets forth a regulatory regime for ''alternative trading systems'' (''ATSs''), which are entities that carry out exchange functions but which are not required to register as national securities exchanges under the Act. In lieu of exchange registration, an ATS can instead opt to register with the Commission as a broker-dealer and, as a condition to not having to register as an exchange, must instead comply with Regulation ATS. Rule 302 of Regulation ATS (17 CFR 242.302) describes the recordkeeping requirements for ATSs. Under Rule 302, ATSs are required to make a record of subscribers to the ATS, daily summaries of trading in the ATS, and time-sequenced records of order information in the ATS.

The information required to be collected under Rule 302 should increase the abilities of the Commission, state securities regulatory authorities, and the self-regulatory organizations (''SROs'') to ensure that ATSs are in compliance with Regulation ATS as well as other applicable rules and regulations. If the information is not collected or collected less frequently, the regulators would be limited in their ability to comply with their statutory obligations, provide for the protection of investors, and promote the maintenance of fair and orderly markets.

Respondents consist of ATSs that choose to register as broker-dealers and comply with the requirements of Regulation ATS. There are currently 92 respondents. These respondents will spend approximately 11,960 hours per year (92 respondents at 130 burden hours/respondent) to comply with the recordkeeping requirements of Rule 302. At an average cost per burden hour of $63, the resultant total related cost of compliance for these respondents is $753,480 per year (11,960 burden hours multiplied by $63/hour).

Compliance with Rule 302 is mandatory. The information required by Rule 302 is available only for the examination of the Commission staff, state securities authorities, and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. § 522 (''FOIA''), and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports,

summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

ATSs are required to preserve, for at least three years, any records made in the process of complying with the requirements set out in Rule 302.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street, NE. Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted within 30 days of this notice.

Dated: July 16, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17473 Filed 7–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, July 25, 2013 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Walter, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting will be:

institution and settlement of injunctive actions;

institution and settlement of administrative proceedings;

adjudicatory matters; and

other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: July 18, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–17698 Filed 7–18–13; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a meeting on Thursday, July 25, 2013, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street, NE., Washington, DC. The meeting will begin at 10:00 a.m. (EDT) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:30 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's Web site at *www.sec.gov.*

On July 17, 2013, the Commission issued notice of the Committee meeting (Release No. 33–9418), indicating that the meeting is open to the public and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes approval of minutes, Investor as Owner Subcommittee recommendation regarding data tagging, Investor as Owner Subcommittee recommendation regarding the use of universal proxy ballots, and subcommittee reports.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: July 17, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–17598 Filed 7–18–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69993; File No. SR–FINRA–2013–030]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Implementation of FINRA Rule 4240 (Margin Requirements for Credit Default Swaps)

July 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 11, 2013, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items substantially have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to extend to July 17, 2014 the implementation of FINRA Rule 4240 (Margin Requirements for Credit Default Swaps). FINRA Rule 4240 implements an interim pilot program with respect to margin requirements for certain transactions in credit default swaps that are security-based swaps.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 22, 2009, the Commission approved FINRA Rule 4240,[4] which implements an interim pilot program (the ''Interim Pilot Program'') with respect to margin requirements for certain transactions in credit default swaps (''CDS'').[5] On July 13, 2012, FINRA filed a proposed rule change for immediate effectiveness extending the implementation of FINRA Rule 4240 to July 17, 2013.[6]

As explained in the Approval Order, FINRA Rule 4240, coterminous with certain Commission actions, was intended to address concerns arising from systemic risk posed by CDS, including, among other things, risks to the financial system arising from the lack of a central clearing counterparty to clear and settle CDS.[7] On July 21, 2010, President Obama signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''),[8] Title VII of which established a comprehensive new regulatory framework for swaps and security-based swaps,[9] including certain CDS. The new legislation was intended, among other things, to enhance the authority of regulators to implement new rules designed to reduce risk, increase transparency, and promote market integrity with respect to such products.

Pursuant to Title VII of the Dodd-Frank Act, the CFTC and the Commission are engaged in ongoing rulemaking with respect to swaps and security-based swaps.[10] The Commission has, among other things, proposed rules with respect to capital, margin and segregation requirements for security-based swap dealers and major security-based swap participants and capital requirements for broker-dealers.[11] FINRA believes it is appropriate to extend the Interim Pilot Program for a limited period, to July 17, 2014, in light of the continuing development of the CDS business within the framework of the Dodd-Frank Act and pending the final implementation of new CFTC and SEC rules pursuant to Title VII of that legislation. FINRA is considering proposing additional amendments to the Interim Pilot Program.

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing, such that FINRA can implement the proposed rule change immediately. The proposed rule change will expire on July 17, 2014.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[12] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change is consistent with the Act because, in light of the continuing development of the CDS business within the framework of the Dodd-Frank Act and pending the final implementation of new CFTC and SEC rules pursuant to Title VII of that legislation, extending the implementation of the margin requirements as set forth by FINRA Rule 4240 will help to stabilize the financial markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA believes that extending the implementation of FINRA Rule 4240 for a limited period, to July 17, 2014, in light of the continuing development of the CDS business within the framework of the Dodd-Frank Act and pending the final implementation of new CFTC and SEC rules pursuant to Title VII of that legislation, helps to promote stability in the financial markets and regulatory certainty for members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

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[4] *See* Securities Exchange Act Release No. 59955 (May 22, 2009), 74 FR 25586 (May 28, 2009) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change; File No. SR–FINRA–2009–012) (''Approval Order'').

[5] In March 2012, the SEC approved amendments to FINRA Rule 4240 that, among other things, limit at this time the rule's application to credit default swaps that are security-based swaps. *See* Securities Exchange Act Release No. 66527 (March 7, 2012), 77 FR 14850 (March 13, 2012) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change; File No. SR–FINRA–2012–015).

[6] *See* Securities Exchange Act Release No. 67449 (July 17, 2012), 77 FR 43128 (July 23, 2012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2012–035).

[7] *See* 74 FR at 25588–89.

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

[9] The terms ''swap'' and ''security-based swap'' are defined in Sections 721 and 761 of the Dodd-Frank Act. The Commodity Futures Trading Commission (''CFTC'') and the Commission jointly have approved rules to further define these terms. *See* Securities Exchange Act Release No. 67453 (July 18, 2012), 77 FR 48208 (August 13, 2012) (Joint Final Rule; Interpretations; Request for Comment on an Interpretation: Further Definition of ''Swap,'' ''Security-Based Swap,'' and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordkeeping). *See also* Securities Exchange Act Release No. 66868 (April 27, 2012), 77 FR 30596 (May 23, 2012) (Joint Final Rule; Joint Interim Final Rule; Interpretations: Further Definition of ''Swap Dealer,'' ''Security-Based Swap Dealer,'' ''Major Swap Participant,'' ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant'').

[10] *See, e.g.,* Securities Exchange Act Release No. 69491 (May 1, 2013), 77 FR 30800 (May 23, 2013) (Reopening of Comment Periods for Certain Rulemaking Releases and Policy Statement Applicable to Security-Based Swaps Proposed Pursuant to the Securities Exchange Act of 1934 and the Dodd-Frank Wall Street Reform and Consumer Protection Act); Securities Exchange Act Release No. 67177 (June 11, 2012), 77 FR 35625 (June 14, 2012) (Statement of General Policy on the Sequencing of the Compliance Dates for Final Rules Applicable to Security-Based Swaps).

[11] *See* Securities Exchange Act Release No. 68071 (October 18, 2012), 77 FR 70214 (November 23, 2012) (Proposed Rule: Capital, Margin, and Segregation Requirements for Security-Based Swap Dealers and Major Security-Based Swap Participants and Capital Requirements for Broker-Dealers).

[12] 15 U.S.C. 78*o*–3(b)(6).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

FINRA has requested that the Commission waive the five-day pre-filing notice requirement specified in Rule 19b–4(f)(6)(iii) under the Act.[15]

FINRA also has requested that the Commission waive the 30-day operative delay, so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[16] This will allow the Interim Pilot Program to continue without interruption and extend the benefits of a pilot program that the Commission approved and previously extended. For these reasons, the Commission designates the proposed rule change to be operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2013–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2013–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–FINRA–2013–030 and should be submitted on or before August 12, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17539 Filed 7–19–13; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 240.19b–4(f)(6)(iii). Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the five-day pre-filing period in this case.

[16] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69992; File No. SR–NYSE–2013–51]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Price List To Revise the Credits for Certain Designated Market Maker Transactions and Revise the Annual Trading License Fees

July 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on July 3, 2013, New York Stock Exchange LLC (the ''Exchange'' or ''NYSE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to revise the credits for certain Designated Market Maker (''DMM'') transactions and revise the annual trading license fees. The Exchange proposes to implement the fee changes effective July 3, 2013. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to revise the credits for certain DMM transactions and revise the annual trading license fees. The Exchange proposes to implement the fee changes effective July 3, 2013.

DMM Rebates [3]

DMMs are currently eligible for a per share rebate when adding liquidity in shares of each More Active Security [4] if the More Active Security has a stock price of $1.00 or more, the DMM meets both the More Active Securities Quoting Requirement [5] and the More Active Securities Quoted Size Ratio Requirement,[6] and the DMM's providing liquidity meets certain thresholds, as follows:

- $0.0026 per share if the DMM's providing liquidity is 15% or less of the NYSE's total intraday adding liquidity in each such security for that month; [7]
- $0.0030 per share if the DMM's providing liquidity is more than 15% but less than or equal to 30% of the NYSE's total intraday adding liquidity in each such security for that month; and
- $0.0029 per share if the DMM's providing liquidity is more than 30% of the NYSE's total intraday adding liquidity in each such security for that month.

The $0.0029 per share rebate is applicable to all of the member organization's adding liquidity in each such security for that month, not just the incremental liquidity that is more than 30% of the NYSE's total intraday adding liquidity.[8] The Exchange proposes to eliminate the third pricing threshold and modify the second pricing threshold so that a DMM will receive a rebate of $0.0030 per share if the DMM's providing liquidity is more than 15% of the NYSE's total intraday adding liquidity in each such security for that month. The $0.0030 per share rebate is applicable to all of the member organization's adding liquidity in each such security for that month, not just the incremental liquidity that is more than 15% of the NYSE's total intraday adding liquidity. For example, if a DMM meets both the More Active Securities Quoting Requirement and the More Active Securities Quoted Size Ratio Requirement, and the DMM's providing liquidity is 1.6 million shares in a security with NYSE total intraday adding liquidity of 10 million shares, then the DMM will be eligible for a rebate of $0.0030 per share for all 1.6 million shares. Otherwise, the DMM will receive a per share rebate of $0.0026.

Trading Licenses

Currently, the Exchange charges an annual fee of $40,000 per license for the first two trading licenses held by a member organization and $25,000 per license for each additional trading license held by a member organization. The fee for trading licenses issued after January 1, 2013 is prorated for the portion of the year during which the trading license will be outstanding. If a trading license is in place for 15 or fewer calendar days in a calendar month, proration for that month is at a flat rate of $100 per day with no tier pricing involved.[9] If a trading license is in place for 16 or more calendar days in a calendar month, proration for that month is computed based on the number of days as applied to the applicable annual fee for the license.[10]

The Exchange proposes to amend its trading license fees for additional trading licenses issued to a member organization between July 1, 2013 and December 31, 2013. If a member organization is issued additional trading licenses between July 1, 2013 and December 31, 2013, and the total number of trading licenses held by the member organization between July 1, 2013 and December 31, 2013 is greater than the total number of trading licenses held by the member organization on July 1, 2013, then the member organization will not be charged a prorated fee for the period from July 3, 2013 to December 31, 2013 for those additional trading licenses above the number the member organization held on July 1, 2013. For example, if a member organization holds 30 trading licenses on July 1, 2013 and between July 3, 2013 and December 31, 2013, the member organization holds 33 trading licenses, the member organization will not be charged a prorated fee for those three additional trading licenses. For a firm that becomes a member organization after July 1, 2013, the firm will be assigned a baseline of one trading license and charged a prorated fee for that license for the remainder of 2013; any trading licenses in addition to the first trading license will not be charged a prorated fee for the period from July 3, 2013 to December 31, 2013.

If a member organization merges with another member organization on or after July 1, 2013, the total combined number of trading licenses held by each member organization on July 1, 2013 will be considered the baseline number of trading licenses for the successor member organization. For example, if Firm A holds five trading licenses on July 1, 2013 and Firm B holds eight trading licenses on July 1, 2013, and Firm B acquires Firm A on August 1, 2013, then Firm B, as the successor member organization, will have a baseline of 13 trading licenses as of August 1, 2013.

The Exchange also proposes to correct a typographical error in footnote 15 of the Pricing List, which relates to a credit for floor broker licenses. The footnote should refer to November and December 2012, not November and December 2013.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its

[3] Rebates are applied when (i) posting displayed and non-displayed orders on Display Book, including s-quote and s-quote reserve orders; (ii) when providing liquidity on non-displayed interest using the Capital Commitment Schedule; or, prior to the implementation of the Capital Commitment Schedule, using the following message activities: price improvement, size improvement (PRIN FILL), matching away market quotes; and (iii) when executing trades in the crowd and at Liquidity Replenishment Points. Rebates do not apply to executions at the open. *See* Price List at n.6.

[4] A ''More Active Security'' is one with an average daily trading volume in the previous month equal to or greater than one million shares. *See* Price List.

[5] A DMM meets the ''More Active Securities Quoting Requirement'' when a More Active Security has a stock price of $1.00 or more and the DMM quotes at the National Best Bid or Offer (''NBBO'') in the applicable security at least 10% of the time in the applicable month. *See* Price List.

[6] A DMM meets the ''More Active Securities Quoted Size Ratio Requirement'' when the DMM Quoted Size for an applicable month is at least 15% of the NYSE Quoted Size. The ''NYSE Quoted Size'' is calculated by multiplying the average number of shares quoted on the NYSE at the NBBO by the percentage of time the NYSE had a quote posted at the NBBO. The ''DMM Quoted Size'' is calculated by multiplying the average number of shares of the applicable security quoted at the NBBO by the DMM by the percentage of time during which the DMM quoted at the NBBO. *See* Price List at n.7.

[7] The NYSE total intraday adding liquidity is totaled monthly and includes all NYSE adding liquidity, excluding NYSE open and NYSE close volume, by all NYSE participants, including Supplemental Liquidity Providers, customers, Floor brokers and DMMs. *See* Price List.

[8] *See* Exchange Act Release No. 68021 (Oct. 9, 2012), 77 FR 63406, 63407 n.9 (Oct. 16, 2012) (SR–NYSE–2012–50).

[9] *See* Price List at n.16.

[10] *Id.*

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that with respect to the DMM rebate for providing liquidity, eliminating the third pricing threshold and modifying the second pricing threshold is reasonable because the Exchange believes the rebate for the third pricing threshold did not incent DMMs to reach that level of providing liquidity as intended.[13] The Exchange believes that the remaining two pricing thresholds, as modified, are at a level that will encourage greater liquidity and competition in actively traded securities on the Exchange. The Exchange believes that the proposed change is equitable and not unfairly discriminatory because all DMMs will be eligible for the higher rebate. The Exchange believes it is equitable and not unfairly discriminatory to allocate a higher rebate to DMMs than other member organizations because DMMs have higher quoting obligations, and in turn provide higher volumes of liquidity, which contributes to price discovery and benefits all market participants.

The Exchange believes it is reasonable to offer a temporary reduction in the prorated fees for annual trading licenses because it will encourage member organizations to hold additional trading licenses, which will increase the number of market participants trading on the floor of the Exchange, which will promote liquidity, price discovery, and the opportunity for price improvement for the benefit of all market participants. The Exchange also believes it is reasonable to offer a temporary fee reduction because it will provide member organizations with greater flexibility in managing their personnel, especially in summer months when member organizations tend to experience greater staff rotation. The Exchange further believes that the July 1 date selected by the Exchange as a baseline for calculating additional licenses is reasonable because it is the day before the effective date of the fee change. The Exchange believes the proposed change is equitable and not unfairly discriminatory because all member organizations will be able to take advantage of the temporary fee reduction.

The Exchange believes that it is reasonable to assign new member organizations a baseline of one trading license because this will incent firms to become Exchange member organizations, thereby encouraging trading activity on the Exchange, which benefits all market participants. The Exchange believes that the proposed change is equitable and not unfairly discriminatory because the discount is temporary and firms that become member organizations in the latter half of 2013 will be subject to the same trading license fees as other member organizations beginning in 2014.

The Exchange believes that, in the case of a merger of member organizations, it is reasonable to assign the successor member organization a baseline of the combined number of trading licenses held by each member organization on July 1, 2013, effective as of the date of the merger, so that the successor member organization's baseline reflects the combined operations. The Exchange believes that the alternative—i.e., counting only the number of trading licenses held by the successor member organization on July 1, 2013 prior to the merger—would give such member organization an unfair advantage over a member organization that had not undergone a business combination, in that the successor member organization would not have to pay additional fees for the trading licenses gained through the merger for the remainder of the year. The Exchange notes that trading licenses effectively acquired through a merger would not increase the total number of trading licenses on the Exchange, and therefore would not necessarily contribute additional trading activity. Moreover, the successor member organization will be free to eliminate any trading licenses not needed after the merger. Therefore, the Exchange believes its proposed approach to merging member organizations is equitable and not unfairly discriminatory.

The Exchange believes that correcting the typographical error in the Price List will add greater clarity for member organizations in understanding the annual trading license fees.

Finally, the Exchange believes that it is subject to significant competitive forces in setting its fees and credits, as described below in the Exchange's statement regarding the burden on competition. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[14] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Specifically, the Exchange believes the revised pricing tiers for DMMs reflect the need for the Exchange to adjust financial incentives to attract order flow. In addition, the modification to the annual trading license fees will help to remove a burden on competition by making it easier for member organizations to appropriately staff the Floor, which is a key feature of the Exchange's structure for offering a fair and orderly market and competing with other exchanges. It will also make it more economical to become a member organization in the remainder of 2013. In addition, the Exchange does not believe the proposed approach to merging member organizations will burden competition because it is designed to avoid any unfair advantage a successor member organization could have in the absence of resetting the baseline of licenses under the proposed fee structure.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their trading practices, the Exchange believes that the degree to which fee or rebate changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[13] *See supra* note 8.

[14] 15 U.S.C. 78f(b)(8).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [15] of the Act and subparagraph (f)(2) of Rule 19b–4 [16] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [17] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2013–51 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2013–51. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2013–51 and should be submitted on or before August 12, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17471 Filed 7–19–13; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(2).

[17] 15 U.S.C. 78s(b)(2)(B).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69989; File No. SR–Phlx–2013–74]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Extension of a Pilot Program Regarding Price Improvement XL

July 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 12, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 1080(n), Price Improvement XL (''PIXL℠'') to extend, through July 18, 2014, a pilot program (the ''pilot'') concerning (i) the early conclusion of the PIXL Auction (as described below), and (ii) permitting orders of fewer than 50 contracts into the PIXL Auction. The current pilot is scheduled to expire July 18, 2013.[3]

Proposed new text is *italicized.* Deleted text is [bracketed].

* * * * *

NASDAQ OMX PHLX LLC Rules

Options Rules

* * * * *

Rule 1080. Phlx XL and Phlx XL II

(a)–(m) No change.

(n) Price Improvement XL (''PIXL'')

A member may electronically submit for execution an order it represents as agent on behalf of a public customer, broker-dealer, or any other entity (''PIXL Order'') against principal interest or against any other order (except as provided in sub-paragraph (n)(i)(F) below) it represents as agent (an ''Initiating Order'') provided it submits the PIXL Order for electronic execution into the PIXL Auction (''Auction'') pursuant to this Rule. The contract size specified in Rule 1080(n) as applicable to PIXL Orders shall apply to Mini Options.

(i) Auction Eligibility Requirements. All options traded on the Exchange are eligible for PIXL. A member (the ''Initiating Member'') may initiate an Auction provided all of the following are met:

(A) if the PIXL Order (except if it is a Complex Order) is for the account of a public customer:

(1) No change.

(2) and is for a size of less than 50 contracts, the Initiating Member must stop the entire PIXL Order (except if it is a Complex Order) at a price that is the better of: (i) the Exchange's Best Bid or Offer (''PBBO'') price on the opposite side of the market from the PIXL Order improved by at least one minimum price improvement increment, or (ii) the PIXL Order's limit price (if the order is a limit order), provided in either case that such price is at or better than the NBBO, and at least one minimum price improvement increment better than any limit order on the book on the same side

[3] The extension of the pilot relates to several subparagraphs of Rule 1080(n) in respect of PIXL and Complex Order PIXL, as discussed below.

of the market as the PIXL Order. This sub-paragraph (A)(2) shall be effective for a pilot period scheduled to expire July 18, 201[3]*4.*

(B) If the PIXL Order (except if it is a Complex Order) is for the account of a broker dealer or any other person or entity that is not a public customer:

(1) No change.

(2) and is for a size of less than 50 contracts, the Initiating Member must stop the entire PIXL Order (except if it is a Complex Order) at a price that is the better of: (i) the PBBO price improved by at least one minimum price improvement increment on the same side of the market as the PIXL Order, or (ii) the PIXL Order's limit price (if the order is a limit order), provided in either case that such price is at or better than the NBBO and at least one minimum improvement increment better than the PBBO on the opposite side of the market from the PIXL Order. This sub-paragraph (B)(2) shall be effective for a pilot period scheduled to expire July 18, 201[3]*4.*

(C) If the PIXL Order is a Complex Order and of a conforming ratio, as defined in Commentary.08(a)(i) and (a)(ix) to Rule 1080, the Initiating Member must stop the entire PIXL order at a price that is better than the best net price (debit or credit) (i) available on the Complex Order book regardless of the Complex Order book size; and (ii) achievable from the best Phlx bids and offers for the individual options (an ''improved net price''), provided in either case that such price is equal to or better than the PIXL Order's limit price. Complex Orders consisting of a ratio other than a conforming ratio will not be accepted. This sub-paragraph (C) shall apply to all Complex Orders submitted into PIXL. This sub-paragraph (C), where applied to Complex Orders where the smallest leg is less than 50 contracts in size, shall be effective for a pilot period scheduled to expire July 18, 201[3]*4.*

(D)–(G) No change.

(ii) Auction Process. Only one Auction may be conducted at a time in any given series or strategy. Once commenced, an Auction may not be cancelled and shall proceed as follows:

(A) No change.

(B) Conclusion of Auction. The PIXL Auction shall conclude at the earlier to occur of (1) through (4) below, with the PIXL Order executing pursuant to paragraph (C)(1) through (3) below.

(1)–(4) No change.

(5) Sub-paragraphs (B)(2), (B)(3) and (B)(4) above shall be effective for a pilot period scheduled to expire July 18, 201[3]*4.*

(C) No change.

(D) An unrelated market or marketable limit order (against the PBBO) on the opposite side of the market from the PIXL Order received during the Auction will not cause the Auction to end early and will execute against interest outside of the Auction. In the case of a Complex PIXL Auction, an unrelated market or marketable limit Complex Order on the opposite side of the market from the Complex PIXL Order as well as orders for the individual components of the Complex Order received during the Auction will not cause the Auction to end early and will execute against interest outside of the Auction. If contracts remain from such unrelated order at the time the Auction ends, they will be considered for participation in the order allocation process described in sub-paragraph (E) below. This sub-paragraph shall be effective for a pilot period scheduled to expire on July 18, 201[3]*4.*

(E)–(J) No change.

(iii)–(vi) No change.

(vii) Initially, and for at least a Pilot Period expiring on July 18, 201[3]*4,* there will be no minimum size requirement for orders to be eligible for the Auction. During this Pilot Period, the Exchange will submit certain data, periodically as required by the Commission, to provide supporting evidence that, among other things, there is meaningful competition for all size orders and that there is an active and liquid market functioning on the Exchange outside of the Auction mechanism. Any data which is submitted to the Commission will be provided on a confidential basis.

* * * * *

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the pilot through July 18, 2014.

Background

The Exchange adopted PIXL in October 2010 as a price-improvement mechanism on the Exchange.[4] PIXL is a component of the Exchange's fully automated options trading system, PHLX XL® that allows an Exchange member (an ''Initiating Member'') to electronically submit for execution an order it represents as agent on behalf of a public customer, broker dealer, or any other entity (''PIXL Order'') against principal interest or against any other order it represents as agent (an ''Initiating Order'') provided it submits the PIXL Order for electronic execution into the PIXL Auction (''Auction'') pursuant to the Rule.

An Initiating Member may initiate a PIXL Auction by submitting a PIXL Order, which is not a Complex Order, in one of three ways:

- First, the Initiating Member could submit a PIXL Order specifying a single price at which it seeks to execute the PIXL Order (a ''stop price'').
- Second, an Initiating Member could submit a PIXL Order specifying that it is willing to automatically match as principal or as agent on behalf of an Initiating Order the price and size of all trading interest and responses to the PIXL Auction Notification (''PAN,'' as described below) (''auto-match''), in which case the PIXL Order will be stopped at the National Best Bid/Offer (''NBBO'') on the Initiating Order side of the market (if 50 contracts or greater) or, if less than 50 contracts, the better of: (i) The PHLX Best Bid/Offer (''PBBO'') price on the opposite side of the market from the PIXL Order improved by at least one minimum price improvement increment, or (ii) the PIXL Order's limit price (if the order is a limit order),

[4] *See* Securities Exchange Act Release Nos. 63027 (October 1, 2010), 75 FR 62160 (October 7, 2010) (SR–Phlx–2010–108) (Order Granting Approval to a Proposed Rule Change Relating to a Proposed Price Improvement System, Price Improvement XL); 65043 (August 5, 2011), 76 FR 49824 (August 11, 2011) (SR–Phlx–2011–104) (Order Extending Pilot for Price Improvement System, Price Improvement XL); 67399 (July 11, 2012), 77 FR 42048 (July 17, 2012) (SR–Phlx–2012–94) (Order Extending Pilot for Price Improvement System, Price Improvement XL); and 69845 (June 25, 2013), 78 FR 39429 (July 1, 2013) (SR–Phlx–2013–46) (Order Granting Approval To Proposed Rule Change, as Modified by Amendment No. 1, Regarding Complex Order PIXL).

provided in either case that such price is at or better than the NBBO and that such price is at least one increment better than the limit of an order on the book on the same side as the PIXL Order.

• Third, an Initiating Member could submit a PIXL Order specifying that it is willing to either: (i) Stop the entire order at a single stop price and auto-match PAN responses, as described below, together with trading interest, at a price or prices that improve the stop price to a specified price above or below which the Initiating Member will not trade (a ''Not Worse Than'' or ''NWT'' price); (ii) stop the entire order at a single stop price and auto-match all PAN responses and trading interest at or better than the stop price; or (iii) stop the entire order at the NBBO on the Initiating Order side (if 50 contracts or greater) or the better of: (A) The PBBO price on the opposite side of the market from the PIXL Order improved by one minimum price improvement increment, or (B) the PIXL Order's limit price (if the order is a limit order) on the Initiating Order side provided in either case that such price is at or better than the NBBO (if for less than 50 contracts), and auto-match PAN responses and trading interest are at a price or prices that improve the stop price up to the NWT price. In all cases, if the PBBO on the same side of the market as the PIXL Order represents a limit order on the book, the stop price must be at least one minimum price improvement increment better than the booked limit order's limit price.

In addition, an Initiating Member may initiate a PIXL Auction by submitting a Complex Order which is of a conforming ratio, as defined in Commentary .08(a)(i) and (a)(ix) to Rule 1080. When submitting a Complex Order, the Initiating Member must stop the PIXL order at a price that is better than the best net price (debit or credit) (i) available on the Complex Order book regardless of the Complex Order book size; and (ii) achievable from the best PHLX bids and offers for the individual options (an ''improved net price''), provided in either case that such price is equal to or better than the PIXL Order's limit price.

After the PIXL Order is entered, a PAN is broadcast and a one-second blind Auction ensues. Anyone may respond to the PAN by sending orders or quotes. At the conclusion of the Auction, the PIXL Order will be allocated at the best price(s).

Once the Initiating Member has submitted a PIXL Order for processing, such PIXL Order may not be modified or cancelled. Under any of the above circumstances, the Initiating Member's stop price or NWT price may be improved to the benefit of the PIXL Order during the Auction, but may not be cancelled.

After a PIXL Order has been submitted, a member organization submitting the order has no ability to control the timing of the execution. The execution is carried out by the Exchange's PHLX XL® automated options trading system and pricing is determined solely by the other orders and quotes that are present in the Auction.

The Pilot

Three components of the PIXL system were approved by the Commission on a pilot basis: (1) Paragraphs (n)(i)(A)(2),[5] (n)(i)(B)(2), and (n)(i)(C) of Rule 1080, relating to auction eligibility requirements; (2) paragraphs (n)(ii)(B)(5) and (n)(ii)(D) of Rule 1080, relating to the early conclusion of the PIXL Auction; and (3) paragraph (n)(vii) of Rule 1080, stating that there shall be no minimum size requirement of orders entered into PIXL. The pilots were approved for a pilot period expiring on July 18, 2013.[6] The Exchange notes that during the pilot period it has been required to submit, and has been submitting, certain data periodically as required by the Commission, to provide supporting evidence that, among other things, there is meaningful competition for all size orders and that there is an active and liquid market functioning on the Exchange outside of the Auction mechanism.[7] The Exchange will continue to provide such data. The Exchange believes that, because the pilot has been operating for a relatively short amount of time, the proposed extension should afford the Commission additional time to evaluate the pilot.

The Exchange proposes to extend the pilot through July 18, 2014.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[8] in general and with Section 6(b)(5) of the Act,[9] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by the Act matters not related to the purposes of the Act or the administration of the Exchange.

The Exchange believes that the proposed rule change is also consistent with Section 6(b)(8) of the Act[10] in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Specifically, the Exchange believes that PIXL, including the rules to which the pilot applies, results in increased liquidity available at improved prices, with competitive final pricing out of the Initiating Member's complete control. The Exchange believes that PIXL promotes and fosters competition and affords the opportunity for price improvement to more options contracts. The extension proposal allows additional time for the Commission to evaluate the pilot.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal extends an existing pilot that applies to all Exchange members, and enables the Exchange to be competitive in respect of other option exchanges that have similar programs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant

[5] On March 9, 2012, the Exchange filed a proposed rule change to clarify Exchange Rule 1080(n)(i)(A)(2). *See* Securities Exchange Act Release No. 66583 (March 13, 2012), 77 FR 16108 (March 19, 2012) (SR–Phlx–2012–032) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Price Improvement System, Price Improvement XL). The amendment reflected the correct price—at or better than the NBBO—at which an Initiating Member must guarantee the execution of a PIXL Order that the Initiating Member submits into a PIXL Auction.

[6] *See supra* note 4.

[7] *See* Exchange Rule 1080(n)(vii).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(8).

burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii) [14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay. The Exchange noted that such waiver will permit the PIXL pilot to continue without interruption.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the PIXL pilot to continue uninterrupted, thereby avoiding any potential investor confusion that could result from a temporary interruption in the pilot. Therefore, the Commission designates the proposed rule change to be operative on July 18, 2013.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2013–74 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2013–74. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, on official business days between the hours of 10:00 a.m. and 3:00 p.m., located at 100 F Street NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2013–74 and should be submitted on or before August 12, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17468 Filed 7–19–13; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission deems this requirement to have been met.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69990; File No. SR–CBOE–2013–062]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to PULSe Workstation Functionality

July 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on July 9, 2013, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''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 comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to expand on the Exchange's past description of the routing functionality made available through the PULSe workstation. No changes to Exchange rule text are being proposed.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to expand on the Exchange's past description of the routing functionality made available through the PULSe workstation and to explain

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

some new functionality. No changes to Exchange rule text are being proposed.

Background

By way of background, the PULSe workstation is a front-end order entry system designed for use with respect to orders that may be sent to the trading systems of CBOE and CBOE Stock Exchange, LLC (''CBSX''). In addition, the PULSe workstation provides a user with the capability to send options orders to other U.S. options exchanges and/or stock orders to other U.S. stock exchanges and trading centers [3] (''away-market routing'').[4] To use the away-market routing functionality, a CBOE or CBSX Trading Permit Holder (''TPH'') must either be a PULSe Routing Intermediary or establish a relationship with a third party PULSe Routing Intermediary. A ''PULSe Routing Intermediary'' is a CBOE or CBSX TPH that has connectivity to, and is a member of, other options and/or stock exchanges and other trading centers. If a TPH sends an order from the PULSe workstation, the PULSe Routing Intermediary will route that order to the designated market on behalf of the entering TPH. Among other things, the PULSe workstation also causes CBOE and/or C2 (CBSX) to be the default destination exchange(s) (trading center) for individually executed marketable option (stock) orders if CBOE and/or C2 (CBSX) is at the national best bid or offer (''NBBO''), regardless of size or time, but allows any user to manually override CBOE and/or C2 (CBSX) as the default destination on an order-by-order basis (the ''default destination function'').[5] Under the current Fees Schedule, the Exchange assesses, in relevant part: [6]

- An Away-Market Routing fee to the entering TPH of $0.02 per executed options contract (or equivalent share amount in the case of stock) for away-market routing of orders through the PULSe workstation;
- an Away-Market Routing Intermediary fee to a Routing Intermediary for utilizing the PULSe away-market routing technology of $0.02 per executed contract or share equivalent for the first 1 million contracts or share equivalent executed in a given month, and $0.03 per contract or share equivalent for each additional contract or share equivalent executed in the same month; [7] and
- a CBOE/CBSX Routing fee to a TPH that makes the PULSe workstation available to non-TPHs. This fee is only applicable for routing to CBOE/CBSX from such non-TPH PULSe workstations. The fee is $0.02 per contract or share equivalent for the first 1 million contracts or share equivalent executed in a month on CBOE/CBSX that originate from the non-TPH PULSe workstations made available by the TPH, and $0.03 per contract or share equivalent for each additional contract or share equivalent executed on CBOE/CBSX in the same month from the non-TPH PULSe workstations made available by the TPH.[8]

Proposal

The Exchange is proposing to expand on its past description of the PULSe workstation routing functionality in various respects. First, with respect to the default destination function, the Exchange proposes to revise its past description of the function to note that, when the Exchange has finished building the functionality, besides allowing a user to manually override CBOE and/or C2 (CBSX) as the default destination exchange(s) (trading center) for individually executed marketable option (stock) orders if CBOE and/or C2 (CBSX) is at the NBBO on an order-by-order basis, users will be able to change the default destination setting to any other options exchange (trading center) on a global basis (*e.g.,* rather than defaulting to CBOE or C2, a user will be able to select another options exchange as the default exchange and a user could determine to manually override that exchange as the default destination on

[3] A ''trading center,'' as provided under Rule 600(b)(78) of Regulation NMS, 17 CFR 242.600(b)(78), means a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent.

[4] For a more detailed description of the PULSe workstation and its other functionalities, *see, e.g.,* Securities Exchange Act Release Nos. 62286 (June 11, 2010), 75 FR 34799 (June 18, 2010) (SR–CBOE–2010–051), 63244 (November 4, 2010), 75 FR 69148 (November 10, 2010) (SR–CBOE–2010–100), 63721 (January 14, 2011), 76 FR 3929 (January 21, 2011) (SR–CBOE–2011–001), 65280 (September 7, 2011), 76 FR 56838 (September 14, 2011) (SR–CBOE–2011–083), and 65491 (October 6, 2011), 76 FR 63680 (October 13, 2011) (SR–CBOE–2011–092).

[5] Nothing about the PULSe order routing functionality would relieve any TPH that is using the PULSe workstation from complying with its best execution obligations. Specifically, just as with any customer order and any other routing functionality, a TPH would have an obligation to consider the availability of price improvement at various markets and whether routing a customer order through the PULSe functionality would allow for access to opportunities for price improvement if readily available. Moreover, a TPH would need to conduct best execution evaluations on a regular basis, at a minimum quarterly, that would include its use of the PULSe workstation.

[6] For a complete listing of PULSe workstation-related fees, please refer to the CBOE Fees Schedule.

[7] This fee is assessed to Routing Intermediaries whether the Routing Intermediary is routing orders on behalf of itself as a TPH or as a third party Routing Intermediary for other TPHs. The fee is only applicable for away-market routing from any PULSe workstation. The fee rates are determined based on the aggregate level of transactions across all away-markets and across all PULSe workstations for which firm serves as the Routing Intermediary. *See, e.g.,* SR–CBOE–2011–083, note 1, *supra.*

The Exchange notes that the Away-Market Routing Intermediary fee is not applicable for routes to the C2 Options Exchange, Incorporated (''C2'') to the extent that the CBOE/CBSX TPH submitting the order to C2 is also a C2 TPH. By way of background, the PULSe workstation offers the ability to route orders to any market, including CBOE/CBSX affiliate C2. To the extent a CBOE/CBSX TPH that is also a C2 TPH obtains a PULSe workstation through CBOE, it is not necessary for that TPH to obtain a separate PULSe workstation through C2 to route orders to C2. It is also not necessary for that TPH to utilize the services of a Routing Intermediary to route orders to C2. As such, to the extent a CBOE/CBSX TPH is also a C2 TPH, a Routing Intermediary fee would not be applicable because the fee is only applicable for away-market routing through a Routing Intermediary. The TPH would not be routing away through a Routing Intermediary, but instead would be submitting orders directly to CBOE as a CBOE TPH, CBSX as a CBSX TPH or C2 as a C2 TPH, as applicable, where the TPH's activity would be subject to the transaction fee schedule of CBOE, CBSX or C2, respectively. To the extent a CBOE/CBSX TPH is not a C2 TPH and utilizes the services of a third party Routing Intermediary to route orders to C2, the Routing Intermediary would be subject to the fee for the CBOE/CBSX TPH's executions on C2.

[8] The Exchange notes that C2 has a similar ''C2 Routing'' fee in the C2 Fees Schedule that is applicable to C2 TPHs. To the extent that a CBOE TPH making the non-TPH PULSe workstations available is not also a CBSX TPH or a C2 TPH, routing from the non-TPH workstations to CBSX or C2 is not considered ''CBOE/CBSX Routing'' or ''C2 Routing,'' respectively, and, therefore, is not subject to those fees (it would instead be considered ''away-market routing'' and subject to the Away-Market Routing and Away-Market Routing Intermediary fees described above). To the extent that a CBOE TPH making the non-TPH PULSe workstations available is also a CBSX TPH or C2 TPH, routing from the non-TPH workstations to CBSX or C2 is considered ''CBOE/CBSX Routing'' or ''C2 Routing,'' respectively, and therefore is subject to the respective fee.

Example 1: Assume a *CBOE TPH* that is *not* a *C2 TPH* makes a PULSe workstation available to Non-TPH User A. To the extent that orders originating from Non-TPH User A's PULSe workstation are routed to *CBOE,* any resulting executions would be subject to the CBOE/CBSX Routing fee. To the extent that orders originating from Non-TPH User A's PULSe workstation are routed to *C2,* any resulting executions would be considered away-market routing and subject to the Away-Market Routing and Routing Intermediary fees (and not subject to the C2 Routing fee).

Example 2: Assume a *CBOE TPH* that *is* also a *C2 TPH* makes a PULSe workstation available to Non-TPH User A. To the extent that orders originating from Non-TPH User A's PULSe workstation are routed to *CBOE,* any resulting executions would be subject to the CBOE/CBSX Routing fee. To the extent that orders originating from Non-TPH User A's PULSe workstation are routed to *C2,* any resulting executions would be subject to the C2 Routing fee. (Given the CBOE TPH's status as a C2 TPH, such orders are not considered away-market routing and therefore are not subject to the Away-Market Routing and Routing Intermediary fees.)

an order-by-order basis). The Exchange notes that having the ability to change the default destination market will have no impact on the application of the current PULSe workstation-related fees.

Second, the Exchange proposes to expand on its past description of a PULSe Routing Intermediary. The Exchange notes that, currently, TPHs may determine to utilize a Routing Intermediary that employs ''smart router'' functionality which, generally, is functionality that determines where to route an order based on pre-set algorithmic logic. Thus, in addition to a user having the ability to designate a destination market to which to a Routing Intermediary is to route an order received from a PULSe workstation, a user may direct a Routing Intermediary to use its smart router functionality to determine the destination options exchange(s) (trading center(s)) on the TPH's behalf. The Exchange further notes that users currently have the flexibility to determine when to route orders from PULSe to a Routing Intermediary's smart router, *e.g.,* the determination could be made by default, on an order-by-order basis, etc. When it comes to the default destination function (described above), rather than defaulting to an options exchange (trading center) for individually executed marketable option (stock) orders if the default market is at the NBBO, a user will have the flexibility to instead to utilize a Routing Intermediary's smart router functionality as a default for determining where to route such orders on a global basis or as a manual override on an order-by-order basis if some other destination is configured for the default destination function. The Exchange notes that having the ability to route orders through a smart router will have no impact on the application of the current PULSe workstation-related fees.

Finally, the third purpose of this proposed rule change is to expand on our past description of the PULSe workstation routing functionality to note that users will also have the capability to send orders between PULSe workstations. For example, a user will be able to send an order from a PULSe workstation located in New York to a PULSe workstation located on the floor of the CBOE. The ability to send orders ''PULSe-to-PULSe'' will be available for use within a TPH (and any Non-TPHs to whom the TPH makes the PULSe workstation available) and between TPHs that use the PULSe workstation. A TPH may establish a PULSe-to-PULSe connection with another TPH by contacting CBOE, who will permission the connection. Before setting up the connection, both TPHs would need to acknowledge in writing (*e.g.,* including via email) their agreement to establish the mutual connection. The Exchanges notes that there are no fees applicable to the sending of orders from one PULSe workstation to another. The Exchange also notes that the Away-Market Routing, Away-Market Routing Intermediary and CBOE/CBSX Routing fees (described above) apply to the TPH associated with the PULSe workstation that ultimately routes an order for execution.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Expanding on the Exchange's past description of the routing functionality made available through the PULSe workstation (for which the Exchange assesses Away-Market Routing, Away-Market Routing Intermediary, and CBOE/CBSX Routing fees) provides more information to the public about such functionality and confirmation of the application of applicable fees, and the availability of such information helps to perfect the mechanism of a free and open market and a national market system. Further, permitting PULSe workstation users to set their own default destinations, use smart router as a default, and send orders between PULSe workstations provides such users with more freedom in their uses of the PULSe workstations, which perfects the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the features and functionalities described in this expanded description apply to all PULSe workstation users. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change does not make any changes to Exchange rules or the Exchange Fees Schedule, but merely expands on the Exchange's past description of the routing functionality made available through the PULSe workstation and confirms the application of applicable fees. To the extent the features and functionalities described in this expanded description of PULSe workstations make CBOE (or CBSX) a more attractive marketplace for market participants at other exchanges, such market participants may elect to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f) of Rule 19b–4 [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

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–CBOE–2013–062 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–CBOE–2013–062. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–CBOE–2013–062 and should be submitted on or before August 12, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17469 Filed 7–19–13; 8:45 am]

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[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69991; File No. SR–C2–2013–026]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to PULSe Workstation Functionality

July 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 9, 2013, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''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 comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

C2 proposes to expand on the Exchange's past description of the routing functionality made available through the PULSe workstation. No changes to Exchange rule text are being proposed.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to expand on the Exchange's past description of the routing functionality made available through the PULSe workstation and to explain some new functionality. No changes to Exchange rule text are being proposed.

Background

By way of background, the PULSe workstation is a front-end order entry system designed for use with respect to orders that may be sent to the trading systems of C2. In addition, the PULSe workstation provides a user with the capability to send options orders to other U.S. options exchanges and/or stock orders to other U.S. stock exchanges and trading centers[3] (''away-market routing'').[4] To use the away-market routing functionality, a C2 Trading Permit Holder (''TPH'') must either be a PULSe Routing Intermediary or establish a relationship with a third party PULSe Routing Intermediary. A ''PULSe Routing Intermediary'' is a C2 TPH that has connectivity to, and is a member of, other options and/or stock exchanges and other trading centers. If a TPH sends an order from the PULSe workstation, the PULSe Routing Intermediary will route that order to the designated market on behalf of the entering TPH. Among other things, the PULSe workstation also causes C2 and/or the Chicago Board Options Exchange, Incorporated (''CBOE'') to be the default destination exchange(s) for individually executed marketable option orders if C2 and/or CBOE is at the national best bid or offer (''NBBO''), regardless of size or time, but allows any user to manually override C2 and/or CBOE as the default destination on an order-by-order basis (the ''default destination function'').[5] Similarly, the PULSe workstation may also be configured by the Exchange to cause the CBOE Stock Exchange, LLC

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''trading center,'' as provided under Rule 600(b)(78) of Regulation NMS, 17 CFR 242.600(b)(78), means a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent.

[4] For a more detailed description of the PULSe workstation and its other functionalities, *see, e.g.,* Securities Exchange Act Release Nos. 63246 (November 4, 2010) 75 FR 69478 (November 12, 2010) (SR–C2–2010–007), 65279 (September 7, 2011), 76 FR 56824 (September 14, 2011) (SR–C2–2011–020), and 65482 (October 4, 2011), 76 FR 62879 (October 11, 2011) (SR–C2–2011–028).

[5] Nothing about the PULSe order routing functionality would relieve any TPH that is using the PULSe workstation from complying with its best execution obligations. Specifically, just as with any customer order and any other routing functionality, a TPH would have an obligation to consider the availability of price improvement at various markets and whether routing a customer order through the PULSe functionality would allow for access to opportunities for price improvement if readily available. Moreover, a TPH would need to conduct best execution evaluations on a regular basis, at a minimum quarterly, that would include its use of the PULSe workstation.

(''CBSX'') to be the default designation exchange for individually executed marketable stock orders if CBSX is at the NBBO, regardless of size or time, but will allow the user to manually override CBSX as the default destination on an order-by-order basis. Under the current Fees Schedule, the Exchange assesses, in relevant part: [6]

- an Away-Market Routing fee to the entering TPH of $0.02 per executed options contract (or equivalent share amount in the case of stock) for away-market routing of orders through the PULSe workstation;
- an Away-Market Routing Intermediary fee to a Routing Intermediary for utilizing the PULSe away-market routing technology of $0.02 per executed contract or share equivalent for the first 1 million contracts or share equivalent executed in a given month, and $0.03 per contract or share equivalent for each additional contract or share equivalent executed in the same month; [7] and
- a C2 Routing fee to a TPH that makes the PULSe workstation available to non-TPHs. This fee is only applicable for routing to C2 from such non-TPH PULSe workstations. The fee is $0.02 per contract or share equivalent for the first 1 million contracts or share equivalent executed in a month on C2 that originate from the non-TPH PULSe workstations made available by the TPH, and $0.03 per contract or share equivalent for each additional contract or share equivalent executed on C2 in the same month from the non-TPH PULSe workstations made available by the TPH.[8]

Proposal

The Exchange is proposing to expand on its past description of the PULSe workstation routing functionality in various respects. First, with respect to the default destination function, the Exchange proposes to revise its past description of the function to note that, when the Exchange has finished building the functionality, besides allowing a user to manually override C2 and/or CBOE (CBSX) as the default destination exchange(s) (trading center) for individually executed marketable option (stock) orders if C2 and/or CBOE (CBSX) is at the NBBO on an order-by-order basis, users will be able to change the default destination setting to any other options exchange on a global basis (*e.g.,* rather than defaulting to C2 or CBOE, a user could select another options exchange as the default exchange and a user will be able to determine to manually override that exchange as the default destination on an order-by-order basis). The Exchange notes that having the ability to change the default destination market will have no impact on the application of the current PULSe workstation-related fees.

Second, the Exchange proposes to expand on its past description of a PULSe Routing Intermediary. The Exchange notes that, currently, TPHs may determine to utilize a Routing Intermediary that employs ''smart router'' functionality which, generally, is functionality that determines where to route an order based on pre-set algorithmic logic. Thus, in addition to a user having the ability to designate a destination market to which to a Routing Intermediary is to route an order received from a PULSe workstation, a user may direct a Routing Intermediary to use its smart router functionality to determine the destination options exchange(s) (trading center(s)) on the TPH's behalf. The Exchange further notes that users currently have the flexibility to determine when to route orders from PULSe to a Routing Intermediary's smart router, *e.g.,* the determination could be made by default, on an order-by-order basis, etc. When it comes to the default destination function (described above), rather than defaulting to another options exchange (trading center) for individually executed marketable option (stock) orders if the default market is at the NBBO, a user will have the flexibility to instead to utilize a Routing Intermediary's smart router functionality as a default for determining where to route such orders on a global basis or as a manual override on an order-by-order basis if some other destination is configured for the default destination function. The Exchange notes that having the ability to route orders through a smart router will have no impact on the application of the current PULSe workstation-related fees.

Finally, the third purpose of this proposed rule change is to expand on our past description of the PULSe workstation routing functionality to note that users will also have the capability to send orders between PULSe workstations. For example, a user will be able to send an order from a PULSe workstation located in New York to a PULSe workstation located in Chicago. The ability to send orders ''PULSe-to-PULSe'' will be available for use within a TPH (and any Non-TPHs to whom the TPH makes the PULSe workstation available) and between TPHs that use the PULSe workstation. A TPH may establish a PULSe-to-PULSe connection with another TPH by contacting C2, who will permission the connection. Before setting up the

[6] For a complete listing of PULSe workstation-related fees, please refer to the C2 Fees Schedule.

[7] This fee is assessed to Routing Intermediaries whether the Routing Intermediary is routing orders on behalf of itself as a TPH or as a third party Routing Intermediary for other TPHs. The fee is only applicable for away-market routing from any PULSe workstation. The fee rates are determined based on the aggregate level of transactions across all away-markets and across all PULSe workstations for which firm serves as the Routing Intermediary.

The Exchange notes that the Away-Market Routing Intermediary fee is not applicable for routes to CBOE or CBSX to the extent that the C2 TPH submitting the order to C2 is also a CBOE TPH or a CBSX TPH. By way of background, the PULSe workstation offers the ability to route orders to any market, including C2 affiliates CBOE and CBSX. To the extent a C2 TPH that is also a CBOE/CBSX TPH obtains a PULSe workstation through C2, it is not necessary for that TPH to obtain a separate PULSe workstation through CBOE or CBSX to route orders to CBOE or CBSX, as applicable. It is also not necessary for that TPH to utilize the services of a Routing Intermediary to route orders to CBOE or CBSX, as applicable. As such, to the extent a C2 TPH is also a CBOE TPH or a CBSX TPH, a Routing Intermediary fee would not be applicable because the fee is only applicable for away-market routing through a Routing Intermediary. The TPH would not be routing away through a Routing Intermediary, but instead would be submitting orders directly to CBOE as a CBOE TPH, CBSX as a CBSX TPH or C2 as a C2 TPH, as applicable, where the TPH's activity would be subject to the transaction fee schedule of CBOE, CBSX or C2, respectively. To the extent a C2 TPH is not a CBOE TPH or CBSX TPH and utilizes the services of a third party Routing Intermediary to route orders to CBOE or CBSX, as applicable, the Routing Intermediary would be subject to the fee for the C2 TPH's executions on CBOE or CBSX, as applicable.

[8] The Exchange notes that CBOE has a similar ''CBOE/CBSX Routing'' fee in the CBOE Fees Schedule that is applicable to CBOE TPHs and CBSX TPHs. To the extent that a C2 TPH making the non-TPH PULSe workstations available is not also a CBOE TPH or a CBSX TPH, routing from the non-TPH workstations to CBOE or CBSX is not considered ''CBOE/CBSX Routing'', and, therefore, is not subject to those fees (it would instead be considered ''away-market routing'' and subject to the Away-Market Routing and Away-Market Routing Intermediary fees described above). To the extent that a C2 TPH making the non-TPH PULSe workstations available is also a CBOE TPH or CBSX TPH, routing from the non-TPH workstations to CBOE or CBSX is considered ''CBOE/CBSX Routing,'' and therefore is subject to that fee.

Example 1: Assume a *C2 TPH* that is not a *CBOE TPH* makes a PULSe workstation available to Non-TPH User A. To the extent that orders originating from Non-TPH User A's PULSe workstation are routed to *C2,* any resulting executions would be subject to the C2 Routing fee. To the extent that orders originating from Non-TPH User A's PULSe workstation are routed to *CBOE,* any resulting executions would be considered away-market routing and subject to the Away-Market Routing and Routing Intermediary fees (and not subject to the CBOE/CBSX Routing fee).

Example 2: Assume a *C2 TPH* that is also a *CBOE TPH* makes a PULSe workstation available to Non-TPH User A. To the extent that orders originating from Non-TPH User A's PULSe workstation are routed to *C2,* any resulting executions would be subject to the C2 Routing fee. To the extent that orders originating from Non-TPH User A's PULSe workstation are routed to *CBOE,* any resulting executions would be subject to the CBOE/CBSX Routing fee. (Given the C2 TPH's status as a CBOE TPH, such orders are not considered away-market routing and therefore are not subject to the Away-Market Routing and Routing Intermediary fees.)

connection, both TPHs would need to acknowledge in writing (e.g., including via email) their agreement to establish the mutual connection. The Exchanges notes that there are no fees applicable to the sending of orders from one PULSe workstation to another. The Exchange also notes that the Away-Market Routing, Away-Market Routing Intermediary and C2 Routing fees (described above) apply to the TPH associated with the PULSe workstation that ultimately routes an order for execution.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Expanding on the Exchange's past description of the routing functionality made available through the PULSe workstation (for which the Exchange assesses Away-Market Routing, Away-Market Routing Intermediary, and C2 Routing fees) provides more information to the public about such functionality and confirmation of the application of applicable fees, and the availability of such information helps to perfect the mechanism of a free and open market and a national market system. Further, permitting PULSe workstation users to set their own default destinations, use smart router as a default, and send orders between PULSe workstations provides such users with more freedom in their uses of the PULSe workstations, which perfects the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the features and functionalities described in this expanded description apply to all PULSe workstation users. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change does not make any changes to Exchange rules or the Exchange Fees Schedule, but merely expands on the Exchange's past description of the routing functionality made available through the PULSe workstation and confirms the application of applicable fees. To the extent the features and functionalities described in this expanded description of PULSe workstations make C2 a more attractive marketplace for market participants at other exchanges, such market participants may elect to become C2 market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and paragraph (f) of Rule 19b–4[12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2013–026 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–C2–2013–026. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–C2–2013–026 and should be submitted on or before August 12, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–17470 Filed 7–19–13; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of American Technologies Group, Inc., Bonanza Oil & Gas, Inc., and Gulf Coast Oil & Gas, Inc.; Order of Suspension of Trading

July 18, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of American Technologies Group, Inc. because it has not filed any periodic reports since the period ended April 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Bonanza Oil & Gas, Inc. because it has not filed any periodic reports since the period ended June 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Gulf Coast Oil & Gas, Inc. because it has not filed any periodic reports since the period ended June 30, 2008.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on July 18, 2013, through 11:59 p.m. EDT on July 31, 2013.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–17635 Filed 7–18–13; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of First Georgia Community Corp., FLO Corp., Florida Community Banks, Inc., In Touch Media Group, Inc., and NHS Health Solutions, Inc.; Order of Suspension of Trading

July 18, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of First Georgia Community Corp. because it has not filed any periodic reports since the period ended September 30, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of FLO Corp. because it has not filed any periodic reports since the period ended June 30, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Florida Community Banks, Inc. because it has not filed any periodic reports since the period ended September 30, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of In Touch Media Group, Inc. because it has not filed any periodic reports since the period ended September 30, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of NHS Health Solutions, Inc. because it has not filed any periodic reports since the period ended September 30, 2003.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on July 18, 2013, through 11:59 p.m. EDT on July 31, 2013.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–17633 Filed 7–18–13; 4:15 pm]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 8387]

Announcement of the 2013 Innovation in Arms Control Challenge Under the America Competes Reauthorization Act of 2011

SUMMARY: The Department of State's Bureau of Arms Control, Verification and Compliance (AVC) announces the following challenge: What Information Technology Tools and Concepts Can Support Future Arms Control Inspections? The 2013 Innovation in Arms Control Challenge will engage the public to develop tools and processes for 21st century arms control inspections.

DATES: The submission period for entries begins 3 p.m. EDT, July 22, 2013, and ends 5 p.m. EDT, October 20, 2013. Winners will be announced no later than February 28, 2014, unless the term of the Contest is extended by the Department of State.

FOR FURTHER INFORMATION CONTACT: Anne Choi, U.S. Department of State, Bureau of Arms Control, Verification and Compliance, 2201 C Street NW., Washington, DC 20520; Telephone 202–647–6405; Email *choiac@state.gov*.

SUPPLEMENTARY INFORMATION: This Federal Register notice is required under the Section 105 of the America COMPETES Reauthorization Act of 2011.

Competition Details

1. *Subject of the Challenge:* This challenge seeks to develop innovative arms control inspection tools and processes that capture the potential of an era characterized by mobile devices and open information sharing.

2. *Prize:* The award(s) will be paid to the best submission(s) as solely determined by the Department of State. Only one solution that meets all requirements and criteria and is most likely to be successfully and cost-effectively implemented will be awarded the full prize. If no solution meets this threshold, either no award will be given or partial awards will be given to those that meet some of the requirements and criteria. The total prize amount for this challenge will not exceed $10,000.

3. Challenge Rules:

a. *Eligibility to participate:* To be eligible to win a prize, in accordance with the America COMPETES Act, an individual or entity shall have registered to participate in the competition, comply with all requirements and rules related to this competition, and in the case of a private entity, shall be incorporated in and maintaining a primary place of business in the United States, and in the case of an individual (participating singly or in a team) shall be a citizen or permanent resident of the United States. In addition, an individual or entity may not be a Federal entity or a Federal employee acting within the scope of their employment. An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during the competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis. While submissions from ineligible

Solvers are welcome and may be the subject of further interest, these will not be eligible to receive awards. If you have a question about eligibility, please refer to the following Web site: *https://www.innocentive.com/ar/challenge/9933381*.

b. *Intellectual Property:* Award(s) recipient(s) must grant the Department of State non-exclusive license to their submission.

c. *Liability:* Registered participants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether the injury death, damage, or loss arises through negligence or otherwise.

After the Challenge deadline, the Department of State will complete the review process and make a decision with regards to the Winning Solution(s) as described below. All Solvers that submitted a proposal will be notified on the status of their submissions.

4. *Process for participants to register:* All Contest participants must enter the Challenge through the Challenge Web page on *https://www.innocentive.com/ar/challenge/9933381* by 5 p.m. EDT on October 20, 2013. Submissions will be accepted starting at 3 p.m. EDT on July 22, 2013. Contest participants should review all contest rules and eligibility requirements.

5. *Basis on which the winners will be selected:*

Winners will be selected based upon provision of the following:

1. Description of the problem the tool/concept will address.

2. Description of proposed technology tool or concept.

3. Description of the concept's feasibility, achievability and completeness.

4. Description of the hardware and/or software requirements for execution of the tool or concept, including maintenance requirements.

5. Description of prior hardware and/or software application of the tool, if applicable.

6. Concept design or supporting documentation of tool.

7. Any further uses and applications of the proposed solution to broaden potential adoption of the technology beyond arms control.

Dated: July 16, 2013.

Rose E. Gottemoeller,

Acting Under Secretary of State, Arms Control and International Security, Department of State.

[FR Doc. 2013–17526 Filed 7–19–13; 8:45 am]

BILLING CODE 4710–02–P

DEPARTMENT OF STATE

[Public Notice 8386]

Advisory Committee on the Secretary of State's Strategic Dialogue With Civil Society; Notice of the Renewal of an Advisory Committee

This is notice of the renewal of the Secretary's Foreign Affairs Policy Board. The Board serves the United States Government in a solely advisory capacity concerning major issues and problems in U.S. foreign policy, including performance of the following functions: Assess global threats and opportunities; identify trends that implicate core national security interests; provide recommendations with respect to tools and capacities of the civilian foreign affairs agencies; define priorities and strategic frameworks for U.S. foreign policy; and any other research and analysis of topics raised by the Secretary of State, the Deputy Secretaries, or the Director of Policy Planning.

The Board consults with other interested parties, agencies, and interagency committees and groups of the United States Government, foreign governments, and with national and international private sector organizations and individuals, as the Department of State and the Board decide are necessary or desirable.

The Board, comprised of up to twenty-five distinguished citizens from the private sector, nongovernmental organizations, think tanks and academia, provides the Secretary with a fresh perspective and insight apart from, and independent of, the State Department organization. It does not perform the function of any existing Department staff or committee.

For further information, please contact the Board's Designated Federal Officer, Andrew McCracken, at *FAPB@state.gov.*

Dated: July 11, 2013.

David McKean,

Director, Office of Policy Planning, U.S. Department of State.

[FR Doc. 2013–17542 Filed 7–19–13; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 8385]

Culturally Significant Objects Imported for Exhibition Determinations: ''Dante Ferretti: Design and Construction for Cinema''

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 ''Dante Ferretti: Design and Construction for Cinema,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Museum of Modern Art, New York, New York, from on or about September 25, 2013, until on or about February 9, 2014, 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 11, 2013.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–17533 Filed 7–19–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority No. 361]

Delegation by the Secretary of State to the Assistant Secretary of State for Consular Affairs of the Authority To Determine That a Citizen of Iran Is Seeking To Enter the United States To Pursue an Education Relating to the Nuclear or Energy Sectors of Iran

By virtue of the authority vested in me as Secretary of State, including

Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), and the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112–158) (the Act), I hereby delegate to the Assistant Secretary of State for Consular Affairs, to the extent authorized by law, the authority to determine that a citizen of Iran is seeking to enter the United States to participate in coursework to prepare for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran, as provided under section 501(a) of the Act. This authority may be re-delegated.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time.

Notwithstanding this delegation of authority, the Secretary, the Deputy Secretary, the Deputy Secretary for Management and Resources, and the Under Secretary for Management, may at any time exercise any authority or function delegated by this delegation of authority.

This delegation of authority shall be published in the **Federal Register**.

Dated: March 13, 2013.

John Forbes Kerry,

Secretary of State.

[FR Doc. 2013–17534 Filed 7–19–13; 8:45 am]

BILLING CODE 4710–06–P

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on August 15, 2013, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 19, 2013, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is August 26, 2013.

DATES: The public hearing will convene on August 15, 2013, at 1:00 p.m. The public hearing will end at 2:45 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is August 26, 2013.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E–B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 306; fax: (717) 238–2436. Information concerning the applications for these projects is available at the SRBC Water Resource Portal at *www.srbc.net/wrp*. Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at *www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF*.

Opportunity To Appear and Comment

Interested parties may appear at the hearing to offer comments to the Commission on any project listed below. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's Web site, *www.srbc.net*, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed below may also be mailed to Mr. Richard Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102–2391 (beginning July 29, 2013, the Commission's address is 4423 North Front Street, Harrisburg, PA 17110–1788), or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm*. Comments mailed or electronically submitted must be received by the Commission on or before August 26, 2013, to be considered.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Rescission Action

1. Project Sponsor and Facility: Chevron Appalachia, LLC (Cambria Somerset Authority), Summerhill Township, Cambria County, PA (Docket No. 20110630).

2. Project Sponsor and Facility: Chevron Appalachia, LLC (Highland Sewer and Water Authority), Portage Township, Cambria County, PA (Docket No. 20110631).

Projects Scheduled for Action

1. Project Sponsor and Facility: Borough of Akron, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.396 mgd (30-day average) from Well 5A (Docket No. 19811201).

2. Project Sponsor and Facility: Borough of Akron, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.166 mgd (30-day average) from Well 6 (Docket No. 19820101).

3. Project Sponsor and Facility: Borough of Akron, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.187 mgd (30-day average) from Well 8 (Docket No. 19820101).

4. 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).

5. Project Sponsor and Facility: Bending River Estates (Tioga River), Town of Lindley, Steuben County, NY. Application for surface water withdrawal of up to 0.400 mgd (peak day).

6. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, PA. Modification to increase surface water withdrawal by an additional 0.446 mgd (peak day), for a total of 0.500 mgd (peak day) (Docket No. 20121202).

7. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Springville Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.500 mgd (peak day).

8. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Chemung River), Athens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20090603).

9. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Sugar Creek), Burlington Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20090604).

10. 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).

11. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Terry Township, Bradford County, PA. Application for

renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20090605).

12. Project Sponsor and Facility: DS Waters of America, Inc., Clay Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 6 (Docket No. 20000203).

13. Project Sponsor and Facility: Town of Erwin, City of Corning, Steuben County, NY. Application for groundwater withdrawal of up to 0.504 mgd (30-day average) from Well 5R.

14. Project Sponsor and Facility: Global Tungsten & Powders Corp., Towanda Borough, Bradford County, PA. Application for groundwater withdrawal of up to 4.800 mgd (30-day average) from a Well Field (Wells 1, 2, 6, 7, 8, 9, 10, 11, and 12).

15. Project Sponsor and Facility: Houtzdale Municipal Authority, Gulich Township, Clearfield County, PA. Application for groundwater withdrawal of up to 0.537 mgd (30-day average) from Well 14R.

16. Project Sponsor and Facility: LHP Management, LLC (Fishing Creek—Clinton Country Club), Bald Eagle Township, Clinton County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20090906).

17. Project Sponsor and Facility: Millersburg Area Authority, Upper Paxton Township, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 0.173 mgd (30-day average) from Well 10 (Docket No. 19830309).

18. Project Sponsor and Facility: Millersburg Area Authority, Upper Paxton Township, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 0.187 mgd (30-day average) from Well 11 (Docket No. 19830309).

19. Project Sponsor and Facility: Southwestern Energy Production Company (Wyalusing Creek), Wyalusing Township, Bradford County, PA. Application for renewal of surface water withdrawal with modification to increase by an additional 0.500 mgd (peak day), for a total of 2.000 mgd (peak day) (Docket No. 20090914).

20. 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).

21. 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).

22. 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).

23. Project Sponsor and Facility: Susquehanna Gas Field Services, L.L.C. (Meshoppen Creek), Meshoppen Borough, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20090628).

24. 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).

25. Project Sponsor and Facility: Winner Water Services, Inc. (Manor #44 Deep Mine), Girard Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.144 mgd (peak day).

Project Scheduled for Action Involving a Diversion

1. Project Sponsor: Winner Water Services, Inc. Project Facility: Sykesville Mine AMD, Borough of Sykesville, Jefferson County, PA. Application for an into-basin diversion of up to 1.000 mgd from the Ohio River Basin.

Authority: Public Law 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806–808.

Dated: July 12, 2013.

Paul O. Swartz,

Executive Director.

[FR Doc. 2013–17431 Filed 7–19–13; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Meeting: RTCA Program Management Committee

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

ACTION: Notice of RTCA Program Management Committee Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Program Management Committee.

DATES: The meeting will be held August 12, from 10:00 a.m.–2:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a Program Management Committee meeting. The agenda will include the following:

Aug 12, 2013

- Welcome and Introductions.
- Review/Approve Meeting Summary.
  - June 19, 2013, RTCA Paper no. 137–13/PMC–1106
- Action Item Review
  - SC–214—Standards for Air Traffic Data Communication Services-Discussion-Review/Approve Terms of Reference Revision 5–RTCA Paper No. 134–13/PMC–1103.
  - Include 4D trajectory with dynamic RNP, fixed radius transitions, advanced interval management, and transmission of ATC winds into the operational capabilities of the message set for Baseline 2.
  - Extend the completion dates from January 2014 to March 2015 for Baseline 2-Interoperability Standards.
- Other Business.
- Schedule for Committee Deliverables and Next Meeting Date.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting.

Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 28, 2013.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2013–17564 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Meeting: Cancellation of RTCA Program Management Committee

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

ACTION: Cancellation of the Notice of RTCA Program Management Committee Meeting.

SUMMARY: The FAA is issuing a CANCELLATION to the notice submitted on July 9th to the public of a meeting of RTCA Program Management Committee.

DATES: The meeting was to be held July 25, 2013, from 9:00 a.m.–1:00 p.m.

ADDRESSES: This meeting is cancelled.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given to cancel a Program Management Committee meeting under the RTCA Federal Advisory Board.

Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 12, 2013.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2013–17562 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty-Third Meeting: RTCA Special Committee 224, Airport Security Access Control Systems

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

ACTION: Meeting Notice of RTCA Special Committee 224, Airport Security Access Control Systems.

SUMMARY: The FAA is issuing this notice to advise the public of the twenty-third meeting of the RTCA Special Committee 224, Airport Security Access Control Systems.

DATES: The meeting will be held on June 20, 2013 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 224. The agenda will include the following:

August 8, 2013

- Welcome, Introductions & Administrative Remarks
- Review and Approve Summary of the Twenty-second Meeting
- Updates from TSA (as required)
- Document Detailed Review
- Document Finalization Process
- Time and Place of Next Meeting
- Any Other Business
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 12, 2013.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2013–17563 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Sixty-Second Meeting: RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment

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

ACTION: Meeting Notice of RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment.

SUMMARY: The FAA is issuing this notice to advise the public of the Sixty-Second meeting of the RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment.

DATES: The meeting will be held November 13–15 from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at EUROCAE Headquarters, 102 Rue Etienne Dolet, 92230 Malakoff, France.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Sophie Bousquet, *sbousquet@rtca.org,* 202–330–0663.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 135. The agenda will include the following:

November 13–15, 2013

- Introductions and Administrative Remarks
- Approval of the Agenda
- Approval of the Minutes of Plenary #61
- Review User Guide Drafts
  - Section 4
  - Section 5
  - Section 7
  - Section 8
  - Section 9
  - Section 10
  - Section 11
  - Section 15
  - Section 16
  - Section 20
  - Section 21
  - Section 22
  - Section 23
  - Section 26
- Review Open Proposals
- Review User Guide Schedule
- Other Business
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 12, 2013.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2013–17565 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Intent To Prepare a Supplemental Draft Environmental Impact Statement for the Southwest Light Rail Transit Extension Project (Formerly Referred to as the Southwest Transitway)

AGENCY: Federal Transit Administration (FTA), Department of Transportation.

ACTION: Notice of Intent to prepare a Supplemental Draft Environmental Impact Statement

SUMMARY: The Federal Transit Administration (FTA), the Federal lead agency, and the Metropolitan Council (Council), the local lead agency, intend to publish a Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail Transit Extension (SWLRT) Project (formerly referred to as the Southwest Transitway Project), in accordance with the National Environmental Policy Act (NEPA), its implementing regulations, provisions of the Moving Ahead for Progress in the 21st Century (MAP–21), and the Minnesota Environmental Policy Act (MEPA). The original Notice of Intent to prepare a DEIS for the Project was issued on September 23, 2008. The Project's Draft Environmental Impact Statement (DEIS) was published on October 12, 2012, with a public comment period concluding on December 31, 2012. The Project is a new 15.8-mile light rail alignment with 17 new light rail stations, several new park-and-ride lots, and one new light rail operations and maintenance facility (OMF). The project requires modification to existing freight rail alignments within the project vicinity. The SDEIS will evaluate environmental impacts associated with proposed adjustments to the Locally Preferred Alternative, freight rail alignments, and location of the OMF. The SDEIS will also incorporate pertinent issues raised during the DEIS comment period.

For commenting purposes under NEPA, written comments on the scope of the SDEIS should be directed to Ms. Nani Jacobson, Project Manager, Southwest Light Rail Transit Project Office, 6465 Wayzata Boulevard, Suite 500, St. Louis Park, MN 55426, Telephone: 612–373–3808; Email: *nani.jacobson@metrotransit.org.* Comments on the scope may be submitted within 20 days of publication of the preparation notice in the state publication, the EQB Monitor. Notice in the EQB Monitor is anticipated to be published on July 22, 2013, with the 20 day period for submitting written comments ending on August 12, 2013. In accordance with MEPA, comments received within this period, and responses to the comments, will be included in the SDEIS.

FOR FURTHER INFORMATION CONTACT: For general information on FTA's NEPA review, please contact Maya Sarna, Department of Transportation, 1200 New Jersey Avenue SE., East Building, Washington DC 20590, Telephone: (202) 366–5811.

SUPPLEMENTARY INFORMATION: The SWLRT Project will operate from downtown Minneapolis through the southwestern suburban cities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to the city of Edina. The proposed alignment is primarily at-grade and will include 17 new stations and approximately 15.8-miles of double track. The line will connect major activity centers in the region including downtown Minneapolis, Methodist Hospital in St. Louis Park, the Opus/Golden Triangle employment area in Minnetonka and Eden Prairie, and, the Eden Prairie Center Mall. Ridership in 2030 is projected at 29,660 weekday passengers. The project will connect with the Green Line (Central Corridor LRT), which will provide a one-seat ride to destinations such as the University of Minnesota, the State Capitol, and downtown St. Paul. The proposed SWLRT will be part of an integrated system of transitways, including connections to the METRO Blue Line, the Northstar Commuter Rail line, a variety of major bus routes along the alignment, and proposed future transitway and rail lines.

The SDEIS will supplement the evaluation of impacts included in the Project's DEIS where there have been adjustments to the design of proposed LRT and freight rail alignments, stations, park-and-ride lots, and an OMF site that would likely result in impacts not documented in the Project's DEIS. FTA and the Council anticipate that the SDEIS scope will include, but not be limited to, the following areas: Eden Prairie LRT alignment and stations; LRT OMF site; freight rail alignments (i.e., Relocation and Co-location); and other areas where FTA and the Council determine that there is a need to be supplemented with additional information which was not included in the Project's October 2012 DEIS.

Notice regarding the intent to prepare the SDEIS will be sent to the appropriate Federal, State, and local agencies. Following publication and review of the SDEIS, a FEIS will be prepared and circulated.

The Paperwork Reduction Act seeks, in part, to minimize the cost to the taxpayer of the creation, collection, maintenance, use, dissemination, and disposition of information. Consistent with this goal and with principles of economy and efficiency in government, it is FTA policy to limit insofar as possible distribution of complete printed sets of NEPA documents. Accordingly, unless a specific request for a complete printed set of the NEPA document is received before the document is printed, FTA and its grant applicants will distribute only electronic copies of the NEPA document. A complete printed set of the environmental document will be available for review at the Metropolitan Council's offices and elsewhere as will be noted in the Notice of Availability; and electronic copy of the complete environmental document will be available on the Metropolitan Council's Southwest Light Rail Transit Project Web site (*http://www.swlrt.org*).

Issued on: July 11, 2013.

Marisol Simon,

Regional Administrator, FTA Region V.

[FR Doc. 2013–17506 Filed 7–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0075; Notice 2]

BMW of North America, LLC, a Subsidiary of BMW AG, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of petition.

SUMMARY: BMW of North America, LLC [1] a subsidiary of BMW AG.[2] has determined that certain model year (MY) 2012 BMW X6M SAV multipurpose passenger vehicles (MPV) manufactured between April 1, 2011 and March 23, 2012, do not fully comply with paragraph S4.3 (b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less.* BMW has filed an appropriate report dated April 4, 2012,

[1] BMW of North America, LLC is a U.S. company that manufacturers and imports motor vehicles.

[2] BMW AG is a German company that manufactures motor vehicles.

pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, BMW has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 30-day public comment period, on June 25, 2012 in the **Federal Register** (77 FR 37956.) No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2012–0075.''

Contact Information: For further information on this decision contact Ms. Amina Fisher, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–1018, facsimile (202) 366–5930.

Vehicles Involved: Affected are approximately 364 MY 2012 BMW X6M SAV MPVs manufactured between April 1, 2011 and March 23, 2012.

Rule Text: Section S4.3(b) of FMVSS No. 110 specifically states:

S4.3 (b) Placard. Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in S4.3(a) through (g), and may show, at the manufacturer's option, the information specified in S4.3(h) and (i), on a placard permanently affixed to the driver's side B-pillar. * * *

b) Designated seated capacity (expressed in terms of total number of occupants and number of occupants for each front and rear seat location); * * *

Summary of BMW'S Analyses: BMW explains that the noncompliance is that the tire placard on the affected vehicles incorrectly identifies the rear designated seating capacity as ''2'' when in fact it should be ''3,'' and the total designated seating capacity as ''4'' when in fact it should be ''5.''

BMW states that while the tire placard incorrectly identifies the vehicle seating capacity, this noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. It would become clear to a vehicle owner that the rear seat of the affected vehicles contains three sets of seat belts, and provides adequate space for three people to occupy the rear seat and that the vehicle in fact does accommodate five passengers not four as labeled.

2. The tire pressure value on the tire placard is correct. In fact, the recommended tire inflation pressure for both the five passenger and the four passenger vehicles is the same. Therefore, there is no risk of under-inflation.

3. The vehicle capacity weight listed on the tire placard is correct, and is the same for X6M model vehicles built for four or five occupants. Therefore, there is no risk of overloading.

4. The vehicle's Monroney label contains a listing of all options that have been equipped on the affected vehicles. The option regarding the rear seat for three occupants is noted on the Monroney label; therefore, an owner would have been notified at time of purchase of the vehicle that the rear seat is equipped to accommodate three occupants.

5. The vehicle Owner's Manual contains information pertaining to the vehicle's tires, tire pressure, and the vehicle capacity weight. Therefore, if owners check the Owner's Manual, correct information is available for their use.

6. BMW also offers Roadside Assistance™ and BMW Assist™ which are available 24 hours/day with representatives that are available to provide drivers with all of the available tires sizes and specifications for the affected vehicles.

7. BMW has received no customer complaints and are unaware of any accidents or injuries regarding this noncompliance of the affected vehicles.

BMW has additionally informed NHTSA that it has corrected future production and that all other required markings are present and correct.

BMW also expressed its belief that NHTSA has previously granted similar petitions.

In summation, BMW believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA Decision: NHTSA has reviewed and accepts BMW's analyses that the noncompliance is inconsequential to motor vehicle safety. BMW has provided sufficient documentation that other than the labeling error, the vehicles comply with all other safety performance requirements of FMVSS No. 110. Since the correct information is provided in other locations, BMW has met its burden of persuasion. Accordingly, BMW's petition is hereby granted, and BMW is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the 364 vehicles that BMW no longer controlled at the time it determined that a noncompliance existed. However, the granting of this petition does not relieve distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after BMW notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Issued on: July 9, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013–17432 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0147; Notice 1]

American Honda Motor Co., Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of petition.

SUMMARY: American Honda Motor Co., Inc. (Honda) [1] has determined that the tire pressure monitoring system (TPMS) low tire pressure warning for certain model year (MY) 2011 and 2012 Acura TSX passenger cars equipped with accessory 18-inch diameter wheels sold at Honda dealerships do not comply with paragraph S4.2(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 138 *Tire Pressure Monitoring Systems.* Honda has filed an appropriate report dated September 27, 2012, pursuant to 49 CFR Part 573, *Defect and*

[1] American Honda Motor Co., Inc. is manufacturer of motor vehicles and is registered under the laws of the state of California.

Noncompliance Responsibility and Reports.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Honda submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Honda's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Vehicles involved: Affected are approximately 212 model years 2011 and 2012 Acura TSX passenger cars equipped with accessory 18-inch diameter wheels sold at Honda dealerships.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the subject 212 [2] vehicles that Honda no longer controlled at the time it determined that the noncompliance existed.

Noncompliance: Honda explains that the noncompliance is that when the accessory wheels and tires are installed on the subject vehicles, the preset TPMS warning level cannot be adjusted to warn at a higher cold inflation pressure for the accessory tires. The TPMS system on these vehicles is set for the OEM 17-inch diameter wheels with recommended 230kPa (33psi), not the accessory 18-inch wheels with recommended 260kPa (38psi).

The TPMS warning level is based on the OEM tires, which is no lower than 183kPa (26.5psi), while the accessory wheel should be set to warn at no lower than 204kPa (29.5psi). Therefore, the vehicles do not comply with paragraph S4.2(a) of FMVSS No. 138.

[2] Honda's petition, which was filed under 49 CFR part 556, requests an agency decision to exempt Honda as a motor vehicle manufacturer from the notification and recall responsibilities of 49 CFR part 573 for the affected vehicles. However, a decision on this petition cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant motor vehicles under their control after Honda notified them that the subject noncompliance existed.

Rule text: Paragraph S4.2(a) of FMVSS No. 138 requires in pertinent part:

S4.2 *TPMS detection requirements.* The tire pressure monitoring system must:

(a) Illuminate a low tire pressure warning telltale not more than 20 minutes after the inflation pressure in one or more of the vehicle's tires, up to a total of four tires, is equal to or less than either the pressure 25 percent below the vehicle manufacturer's recommended cold inflation pressure, or the pressure specified in the 3rd column of Table 1 of this standard for the corresponding type of tire, whichever is higher;

Summary of Honda's Analysis and Arguments

A total of approximately 848 wheels, or 212 complete wheel sets, were sold to Acura dealerships by Honda between November 2010 and April 2012. These wheels were sold with a replacement tire pressure placard, in accordance with the requirements of FMVSS No. 110 ''Tire Selection and Rims'', indicating an inflation pressure of 260kPa (38psi) for the recommended 225/45ZR 18 tire size with an 95Y load capacity rating. There have been no reports of crashes, injuries or death as a result of the accessory tire being used with the standard TPMS threshold.

After the beginning of retail sales of 2012 model year Acura TSX models Honda discovered that the recommended electronic method of updating the TPMS setting for these accessory wheels would incorrectly inform technicians that the adjustments had been completed successfully. The result is that the TPMS warning threshold remains at the standard setting for the OEM 17-inch diameter wheels of not less than 183kPa (26.5psi) for the standard recommended tire pressure of 230kPa (33psi). The minimum allowable TPMS threshold for the 18-inch diameter accessory wheels would be 193kPA (28psi), based on the recommended pressure of 260kPa (38psi) as indicated on the tire pressure placard.

Honda believes that this noncompliance is inconsequential to motor vehicle safety because even at the lower TPMS threshold, adequate load capacity remains for the tires on these vehicles. Honda indicated that it also conducted dynamic testing to confirm that the handling and stability of the vehicle is not adversely affected at the lower pressures.

The maximum load capacity for each of the P225/45ZR 18 95Y tires for this vehicle is 575 kilograms (1,268 lbs) at 230kPa (33psi), calculated using the Japan Automotive Tyre Manufacturer's Association (JATMA) method, as recognized by NHTSA in FMVSS No. 110. The maximum allowable load according to the Gross Axle Weight Ratings (GAWR) for a 2011 or 2012 Acura TSX is 546.6 kilograms (1,207.2 lbs) for each front tire and 514.9 kilograms (1,135 lbs) for each rear tire, well within the load capacity specified by JATMA.

At 80% of the lower pressure for the OEM 17-inch tires (230kPa (33psi), as opposed to the 260kPa (38psi) recommended on the tire pressure placard for the 18-inch accessory tires), the low tire pressure indicator will illuminate at 183kPa (26.5psi).

Honda has additionally informed NHTSA that it has corrected the noncompliance so that all future vehicles will comply with FMVSS No. 138.

In summation, Honda believes that the described noncompliance of its vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

Comments: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. *By mail addressed to:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. *Electronically:* by logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments.

Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment Closing Date: August 21, 2013.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Issued on: July 9, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013–17427 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0115; Notice 2]

Mercedes-Benz USA, LLC, on Behalf of Daimler AG, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of petition .

SUMMARY: Mercedes-Benz USA, LLC (MBUSA), [1] on behalf of itself and its parent company Daimler AG (DAG),[2] has determined that certain model year (MY) 2012 Mercedes-Benz C-Class (204 platform) passenger cars manufactured between March and August 2011, do not fully comply with paragraph S4.3(d) of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less.* MBUSA has filed an appropriate report dated May 4, 2012, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, MBUSA has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 30-day public comment period, on September 13, 2012 in the **Federal Register** (77 FR 56698). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2012–0115.''

Contact Information: For further information on this decision contact Ms. Amina Fisher, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–1018, facsimile (202) 366–5930.

Vehicles Involved: Affected are approximately 1,479 MY 2012 Mercedes-Benz C-Class (204 platform) passenger vehicles manufactured between March and August 2011.

Rule Text: Section S4.3(d) of FMVSS No. 110 specifically states:

S4.3 *Placard.* Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in S4.3(a) through (g), and may show, at the manufacturer's option, the information specified in S4.3(h) and (i), on a placard permanently affixed to the driver's side B-pillar.* * *

(b) Tire size designation, indicated by the headings ''size'' or ''original tire size'' or ''original size,'' and ''spare tire'' or ''spare,'' for the tires installed at the time of the first purchase for purposes other than resale. * * *

Summary of MBUSA'S Analyses: MBUSA explains that the noncompliance is that the vehicle placard on the affected vehicles incorrectly identifies the tire size designation of the spare tire in the vehicle.

MBUSA explains that while the vehicle placard incorrectly identifies the designated spare tire size corresponding to the actual size of the spare tire originally installed in the vehicle, the recommended cold tire inflation pressure for the spare tire is correctly stated. In addition, all information required under S4.3 for maintaining and replacing the front and rear tires, as well as vehicle weight and seating capacity, is correct.

MBUSA also stated that if a vehicle owner were to question the correct spare tire size they would be able to check the size by comparing it with the size stamped on the sidewall of the originally provided spare tire. If the vehicle owner were to attempt to put a spare tire of the size indicated on the vehicle placard on the spare tire rim originally provided with the vehicle, it would be immediately apparent that the tire is too large to be installed on the rim and hold any inflation pressure. Both the actually provided spare tire and a tire of the size indicated on the vehicle placard for the spare tire meet the FMVSS No. 110 loading requirements at the recommended cold inflation pressure stated on the vehicle placard. Both the originally installed spare tire and a spare tire of the size listed on the vehicle placard, when inflated to the labeled recommended cold inflation pressure, are appropriate to handle the vehicle maximum loads.

MBUSA has additionally informed NHTSA that it has corrected future production and that all other required markings are present and correct.

MBUSA is not aware of any incidents or customer complaints related to the noncompliant vehicle placard.

MBUSA also expressed its belief that NHTSA has previously granted similar petitions.

In summation, MBUSA believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA Decision: NHTSA has reviewed and accepts MBUSA's analyses that the noncompliance is inconsequential to motor vehicle safety. MBUSA has provided sufficient documentation that other than the vehicle placard error, the vehicles comply with all other safety performance requirements of FMVSS No. 110. Since the correct information is provided in other locations, MBUSA has met its burden of persuasion. Accordingly, MBUSA's petition is hereby granted, and MBUSA is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

[1] Mercedes-Benz USA, LLC is a U.S. company that manufacturers and imports motor vehicles.

[2] Daimler AG is a German company that manufactures motor vehicles.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the 1,479 vehicles that MBUSA no longer controlled at the time it determined that a noncompliance existed. However, the granting of this petition does not relieve distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after MBUSA notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Issued on: July 9, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013–17438 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Innovative Technology Administration

[Docket ID Number RITA 2008–0002]

Agency Information Collection; Activity Under OMB Review; Passenger Origin-Destination Survey Report

AGENCY: Research & Innovative Technology Administration (RITA), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 16, 2013 (78 FR 28943). No comments were received.

DATES: Written comments should be submitted by August 21, 2013.

FOR FURTHER INFORMATION CONTACT: James Bouse, Office of Airline Information, RTS–42, Room E34–441, RITA, BTS, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, Telephone Number (202) 366–4876, Fax Number (202) 366–3383 or EMAIL *james.bouse@dot.gov.*

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2139–0001

Title: Passenger Origin-Destination Survey Report.

Form No.: None.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers that provide scheduled passenger service.

Number of Respondents: 30.

Total Number of Annual Responses: 120.

Estimated Time per Response: 210 hours.

Total Annual Burden: 25,200 hours.

Needs and Uses: Survey data are used in monitoring the airline industry, negotiating international agreements, reviewing requests for the grant of anti-trust immunity for air carrier alliance agreements, selecting new international routes, selecting U.S. carriers to operate limited entry foreign routes, and modeling the spread of contagious diseases. The Passenger Origin-Destination Survey Report is the only aviation data collection by DOT where the air carriers report the true origins and destinations of passengers' flight itineraries. The Department does have another aviation data collection (T–100) which (1) gives passenger totals for city-pairs served on a nonstop basis and (2) market totals for passengers traveling on a single flight number. If the passenger travels on multiple flight numbers, a new market is recorded for each change in flight number.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention BTS Desk Officer.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department. Comments should address whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on July 16, 2013.

William Chadwick,

Director, Office of Airline Information.

[FR Doc. 2013–17503 Filed 7–19–13; 8:45 am]

BILLING CODE 4910–HY–P

UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

AGENCY: United States Institute of Peace.

DATE/TIME: Monday, July 29, 2013 (9:30 a.m.–3:00 p.m.)

LOCATION: 2301 Constitution Avenue NW., Washington, DC 20037.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: July 29, 2013 Board Meeting; Approval of Minutes of the One Hundred Forty-Seventh Meeting (April 19, 2013) of the Board of Directors; Chairman's Report; President's Report; Status Reports; Strategic Plan; Board Executive Session; Other General Issues.

CONTACT: Tessie F. Higgs, Executive Office, Telephone: (202) 429–3836.

Dated: July 12, 2013.

Michael Graham,

Senior Vice President for Management, United States Institute of Peace.

[FR Doc. 2013–17310 Filed 7–19–13; 8:45 am]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0585]

Agency Information Collection (Brand Name or Equal) Activities Under OMB Review

Correction

Notice document 2013–17006, appearing on page 42593, in the issue of Tuesday, July 16, 2013 was withdrawn by the Department of Veterans Affairs. It should not have appeared in the **Federal Register**.

[FR Doc. C1–2013–17006 Filed 7–19–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0600]

Agency Information Collection (Regulation for Reconsideration of Denied Claims) Activity Under OMB Review

AGENCY: Veterans Health 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 Health Administration, Department of Veterans Affairs, has submitted 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 and includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 21, 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. 2900–0600'' 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. 2900–0600.''

SUPPLEMENTARY INFORMATION:

Title: Regulation for Reconsideration of Denied Claims.

OMB Control Number: 2900–0600.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans who disagree with the initial decision denying their healthcare benefits in whole or in part may obtain reconsideration by submitting a request in writing within one year of the date of the initial decision. The request must state why the decision is in error and include any new and relevant information not previously considered. This process reduces both formal appeals and allows decision making to be more responsive to Veterans using the VA healthcare system.

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 April 11, 2013, at page 21711.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 50,826 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 101,652.

Dated: July 17, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–17532 Filed 7–19–13; 8:45 am]

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