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DEPARTMENT OF ENERGY

10 CFR Parts 708 and 710

RIN 1992–AA36

Hearing Officer and Administrative Judge

AGENCY: Office of Hearings and Appeals, Department of Energy (DOE).

ACTION: Final rule; technical amendments.

SUMMARY: DOE is amending its regulations which set forth the procedures for processing complaints by employees of DOE contractors alleging retaliation by the employers for disclosure of certain information, for participation in congressional proceedings, or for refusal to participate in dangerous activities, and which set forth the procedures for resolving questions concerning eligibility for DOE authorization to access classified matter or special nuclear material by replacing the term ''Hearing Officer'' with ''Administrative Judge.''

DATES: This rule is effective on August 23, 2013.

FOR FURTHER INFORMATION CONTACT: Poli A. Marmolejos, Director, Office of Hearings and Appeals, HG–1, 1000 Independence Avenue SW, Washington, DC 20585; *Poli.Marmolejos@hq.doe.gov;* 202–287–1566.

SUPPLEMENTARY INFORMATION:

I. Introduction

Regulations at 10 CFR part 708 set forth the procedures for processing complaints by employees of DOE contractors alleging retaliation by their employers for disclosure of information concerning danger to public or worker health or safety, substantial violations of law, or gross mismanagement; for participation in congressional proceedings; or for refusal to participate in dangerous activities. Various DOE personnel are assigned specific duties in this process. Currently, whenever the parties fail to resolve complaints informally and the complainant requests a hearing under § 708.21, a ''hearing officer'' presides over an evidentiary administrative hearing.

Regulations at 10 CFR part 710 set forth the criteria and procedures for resolving questions concerning eligibility for DOE access authorization (or security clearance). Various DOE personnel are assigned specific duties in this process. Currently, a ''hearing officer'' presides over an evidentiary administrative review hearing when an applicant for, or holder of, access authorization requests such a hearing under § 710.21.

Personnel in other agencies of the Federal Government who perform identical or similar duties, both in the specific contexts of adverse employment actions and security clearance and in other areas, are commonly referred to as ''Administrative Judges.''

To accurately recognize the adjudicative duties performed by DOE hearing officers under parts 708 and 710, and for greater consistency with the title employed by other Federal agencies for positions that carry the same or essentially identical duties and responsibilities, this final rule replaces all references to the term ''Hearing Officer,'' in both parts, with the term ''Administrative Judge.''

The regulatory amendments in this final rule do not alter substantive rights or obligations under current law.

II. Procedural Requirements

A. Review Under Executive Orders 12866 and 13563

It has been determined that this nomenclature change is not ''a significant regulatory action,'' as defined in Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this action is not subject to review under Executive Order 12866 by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

DOE has also reviewed this regulation pursuant to Executive Order 13563 (76 FR 3281 (Jan. 21, 2011)). Executive Order 13563 is supplemental to, and explicitly reaffirms the principles, structures, and definitions governing, the regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. DOE believes that today's rule is consistent with the principles of Executive Order 13563.

B. Administrative Procedure Act

The regulatory amendments in this notice of final rulemaking reflect a nomenclature change that relates solely to internal agency organization, management, and personnel. As such, pursuant to 5 U.S.C. 553(a)(2), this rule is not subject to the rulemaking requirements of the Administrative Procedure Act, including the requirements to provide prior notice and an opportunity for public comment and a 30-day delay in effective date.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As this rule of agency organization, management, and personnel is not subject to the requirement to provide prior notice and an opportunity for public comment under 5 U.S.C. 553 or any other law, this rule is not subject to the analytical requirements of the Regulatory Flexibility Act.

D. Review Under the Paperwork Reduction Act

This final rule does not impose a collection of information requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule will not individually or cumulatively have a significant impact on the human environment, as determined by DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule amends existing regulations without changing the environmental effect of the regulations being amended, and, therefore, is covered under the Categorical Exclusion in paragraph A5 of Appendix A to subpart D, 10 CFR part 1021. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

F. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735). DOE has determined that this final rule does not preempt State law and does 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. No further action is required by Executive Order 13132.

G. Review Under Executive Order 12988

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

H. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to assess the effects of a Federal regulatory action on State, local, and tribal governments, and the private sector. DOE has determined that today's regulatory action does not impose a Federal mandate on State, local, or tribal governments or on the private sector.

I. Review Under the Treasury and General Government Appropriations Act, 1999

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

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

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3501, *et seq.*) requires that agencies review disseminations of information to the public under guidelines established by each agency pursuant to general guideline issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This final rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today's final rule. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

M. Approval by the Office of the Secretary of Energy

The Office of the Secretary of Energy has approved the issuance of this final rule.

List of Subjects

10 CFR Part 708

Administrative practice and procedure, Government contracts, Whistleblowing.

10 CFR Part 710

Administrative practice and procedure, Classified information, Government contracts, Government employees, Nuclear materials.

Issued in Washington, DC, on August 19, 2013.

Poli A. Marmolejos,

Director, Office of Hearings and Appeals.

For the reasons stated in the preamble, DOE amends parts 708 and 710 of chapter III, title 10, Code of Federal Regulations, as set forth below:

PART 708—DOE CONTRACTOR EMPLOYEE PROTECTION PROGRAM

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

Authority: 42 U.S.C. 2201(b), 2201(c), 2201(l), and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7251, 7254, 7255, and 7256; and 5 U.S.C. Appendix 3.

§§ 708.2, 708.24, 708.25, 708.26, 708.27, 708.28, 708.30, 708.31, and 708.32 [Amended]

■ 2. Sections 708.2 (definition); 708.24(b); 708.25; 708.26; 708.27; 708.28(b); 708.30; 708.31; and 708.32(a) and (c) are amended by removing the words ''Hearing Officer'' and adding in their place the words ''Administrative Judge''.

PART 710—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILTY FOR ACCESS TO CLASSIFIED MATTER OR SPECIAL NUCLEAR MATERIAL

■ 3. The authority citation for part 710 continues to read as follows:

Authority: 42 U.S.C. 2165, 2201, 5815, 7101, *et seq.,* 7383h–l; 50 U.S.C. 2401 *et seq.;* E.O. 10450, 3 CFR 1949–1953 comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963 comp., p. 398, as amended, 3 CFR Chap. IV; E.O. 13526, 3 CFR 2010 Comp., pp. 298–327 (or successor orders); E.O. 12968, 3 CFR 1995 Comp., p. 391.

§§ 710.5, 710.21, 710.22, 710.25, 710.26, 710.27, 710.28, 710.29, 710.30, 710.32, 710.34, and 710.35 [Amended]

■ 4. Sections 710.5(a); 710.21(b)(3)(ii) and (6) through (8); 710.22(a)(1) through (3); 710.25 section heading and (b) through (f); 710.26(a) through (k), (l) introductory text, (l)(2)(ii), and (p); 710.27; 710.28 section heading, (a)(1) and (4), (b) introductory text, (b)(3), and (c) introductory text; 710.29(i); 710.30(b)(1) and (2); 710.32(a) and (b) introductory text; 710.34; and 710.35 are amended by removing the words ''Hearing Officer'' and adding, in their place, the words ''Administrative Judge''.

[FR Doc. 2013–20597 Filed 8–22–13; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 246

[Regulation TT; Docket No. R–1457]

RIN 7100–AD–95

Supervision and Regulation Assessments for Bank Holding Companies and Savings and Loan Holding Companies With Total Consolidated Assets of $50 Billion or More and Nonbank Financial Companies Supervised by the Federal Reserve

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a final rule to implement section 318 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Section 318 directs the Board to collect assessments, fees, or other charges equal to the total expenses the Board estimates are necessary or appropriate to carry out the supervisory and regulatory responsibilities of the Board for bank holding companies and savings and loan holding companies with total consolidated assets of $50 billion or more and nonbank financial companies designated for Board supervision by the Financial Stability Oversight Council.

DATES: *Effective date:* The final rule is effective October 25, 2013.

FOR FURTHER INFORMATION CONTACT: Mark Greiner, Senior Supervisory Financial Analyst (202–452–5290), Nancy Perkins, Assistant Director (202–973–5006), or William Spaniel, Senior Associate Director (202–452–3469), Division of Banking Supervision and Regulation; Laurie Schaffer, Associate General Counsel (202–452–2272), or Michelle Moss Kidd, Attorney (202–736–5554), Legal Division; Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Users of Telecommunication Device for the Deaf (TTD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

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I. Introduction

On April 18, 2013, the Board published in the **Federal Register** a notice of proposed rulemaking (the NPR or the proposal) seeking public comment on the Board's proposal to implement section 318 of the Dodd-Frank Act.[1] Section 318 directs the Board to collect assessments, fees, or other charges (assessments) from bank holding companies (BHCs) and savings and loan holding companies (SLHCs) with $50 billion or more in total consolidated assets, and from nonbank financial companies designated by the Financial Stability Oversight Council (Council) pursuant to section 113 of the Dodd-Frank Act for supervision by the Board (Board-supervised nonbank financial companies), (collectively, assessed companies), equal to the expenses the Board estimates are necessary or appropriate to carry out its supervision and regulation of those companies. The proposed rule outlined the Board's assessment program, including how the Board would: (a) Determine which companies are assessed companies for each calendar-year assessment period, (b) estimate the total expenses that are necessary or appropriate to carry out the supervisory and regulatory responsibilities to be

[1] 78 FR 23162 (April 18, 2013).

covered by the assessment, (c) determine the assessment for each assessed company, and (d) bill for and collect the assessment from the assessed companies.

The proposal provided that each calendar year would be an assessment period (assessment period) and that a BHC or SLHC would be an assessed company for that assessment period if the company's average total consolidated assets over the assessment period met or exceeded $50 billion, and a nonbank financial company would be an assessed company if it was a Board-supervised nonbank financial company on December 31 of the assessment period. The Board proposed to notify assessed companies of the amount of their assessment no later than July 15 of the year following each assessment period. After an opportunity for appeal, each assessed company would have been required to pay its assessment by September 30 of the year following the assessment period. The Board proposed to collect assessments beginning with the 2012 assessment period.

The Board received 16 comments on the NPR from industry associations, companies, individuals, and members of the U.S. Congress. Certain commenters expressed concerns with the Board's methodology for allocating its expenses among assessed companies, as well as with the Board's determination of its assessment basis. Commenters also criticized the Board's methodology for assessing Board-supervised nonbank financial companies and SLHCs that are predominantly insurance companies. A more detailed discussion of the comments on particular aspects of the proposal is provided in the remainder of this preamble.

II. Description of the Final Rule

A. Key Definitions

1. Assessed Companies

The proposed rule would have defined assessed companies to be BHCs and SLHCs with total consolidated assets of $50 billion or more and Board-supervised nonbank financial companies. In particular, for each assessment period, assessed companies were defined as:

- A company that, on December 31 of the assessment period, is a top-tier BHC, as defined in section 2 of the Bank Holding Company Act,[2] other than a foreign BHC, that has total consolidated assets of $50 billion or more as determined based on the average of the BHC's total consolidated assets reported for the assessment period on its Schedule HC—Consolidated Balance Sheet of the BHC's Consolidated Financial Statements for Bank Holding Companies (FR Y–9C);
- A company that, on December 31 of the assessment period, is a top-tier SLHC, as defined in section 10 of the Home Owners' Loan Act,[3] other than a foreign SLHC, that has total consolidated assets of $50 billion or more as determined based on the average of the SLHC's total consolidated assets reported for the assessment period on the SLHC's FR Y–9C, or on the SLHC's Quarterly Savings and Loan Holding Company Report (FR 2320), as applicable[4];
- A foreign company that, on December 31 of the assessment period, is a top-tier BHC that has total consolidated assets of $50 billion or more as determined based on the average of the foreign banking organization's total consolidated assets reported for the assessment period on the Capital and Asset Report for Foreign Banking Organizations (FR Y–7Q) submissions[5];
- A foreign company that, on December 31 of the assessment period, is a top-tier SLHC that has total consolidated assets of $50 billion or more as determined based on the average of the foreign SLHC's total consolidated assets reported for the assessment period on regulatory reports required for the foreign SLHC[6]; and
- A company that is a Board-supervised nonbank financial company on December 31 of the assessment period.

In the proposal, the Board stated that it believed that relying on the average of assets reported in the financial reports submitted over the entire yearly assessment period, where available, would reduce volatility in an assessed company's assets over the year and avoid overreliance on any particular quarter.[7]

The Board received comments regarding this aspect of the proposal. Several comments related to the Board's use of generally accepted accounting principles (GAAP) in determining whether a company is an assessed company, noting that state insurance law and regulations require U.S. insurance companies to prepare their financial statements in accordance with statutory accounting principles (SAP) and that some of those companies do not prepare GAAP-based financial statements in addition to their SAP statements. Commenters asserted that the Board should use financial statements prepared in accordance with SAP to determine whether a company is an assessed company so that an assessed company would not have to expend significant financial and other resources in order to provide GAAP financial statements. In the final rule, for an assessed company that reports its consolidated assets under GAAP, the Board is retaining the requirement that the determination of that company's total consolidated assets will be based on GAAP accounting requirements. There are, however, a small number of companies that only file financial statements in accordance with SAP and do not report consolidated financial statements under GAAP. In response to the comments received, to avoid requiring companies that only file financial statements in accordance with SAP to undertake the full burden of preparing GAAP financial statements, such a company may request that the Board permit the company to file quarterly an estimate of its total consolidated assets, which the Board will consider. If a U.S.-domiciled company does not report total

[2] 12 U.S.C. 1841(a).

[3] 12 U.S.C. 1467.

[4] The FR 2320 form is filed by top-tier savings and loan holding companies exempt from filing Federal Reserve regulatory reports, which include the Y–9C form submitted by BHCs and SLHCs with total consolidated assets of $500 million or more. Under the proposal, for multi-tiered BHCs and multi-tiered SLHCs in which a holding company owns or controls, or is owned or controlled by, other holding companies, the assessed company would be the top-tier, regulated holding company. In situations where two or more unaffiliated companies control the same U.S. bank or savings association and each company has average total consolidated assets of $50 billion or more, each of the unaffiliated companies would be designated an assessed company. Generally, a company has control over a bank, savings association, or company if the company has (a) ownership, control, or power to vote 25 percent or more of the outstanding shares of any class of voting securities of the bank, savings association, or company, directly or indirectly or acting through one or more other persons; (b) control in any manner over the election of a majority of the directors or trustees of the bank, savings association, or company; or (c) the Board determines the company exercises, directly or indirectly, a controlling influence over the management or policies of the bank, savings association, or company. *See* 12 U.S.C. 1841(a)(2) (BHCs) and 12 U.S.C. 1467a(a)(2) (SLHCs).

[5] For annual filers of the FR Y–7Q, the proposal provided that total consolidated assets would be determined from the foreign banking organization's FR Y–7Q annual submission for the calendar year of the assessment period.

[6] At present, there are no foreign savings and loan holding companies.

[7] A four-quarter average of a company's total consolidated assets has also been used in the definition of a covered company in the notice of proposed rulemaking establishing enhanced prudential standards and early remediation requirements for covered companies, published in the **Federal Register**, 77 FR 594 (January 5, 2012), and the final rulemaking establishing the supervisory and company-run stress test requirements for covered companies, published in the **Federal Register**, 77 FR 62378 (October 12, 2012).

consolidated assets in its public reports or uses a financial reporting methodology other than GAAP, the Board may use, at its discretion, any comparable financial information that the Board may require from the company for the determination of whether the company is an assessed company.

One commenter stated that the Board should detail the manner in which information regarding nonpublic companies would need to be reported to the Board for purposes of the assessment and that, to the extent such information related to the assessment process is non-public and exempt from public disclosure, the Board should make reference to the rules and regulations regarding the confidential treatment of such information. The Board notes that the information used for purposes of the assessment, in general, is the type of information that is already being provided to the Board. Moreover, the FR Y–9C, FR Y–7Q, and FR 2320 reporting forms each provide that a reporting company may request confidential treatment if the company believes that disclosure of specific commercial or financial information in the report would likely result in substantial harm to its competitive position or that disclosure of the submitted information would result in unwarranted invasion of personal privacy.

A few commenters argued that, when determining which foreign companies are subject to assessments, the Board should not use a foreign company's worldwide assets but should instead only consider the assets associated with the company's U.S. operations because the Board is not the primary supervisor of foreign companies. Another commenter asserted that using a foreign BHC's worldwide assets to determine whether it is an assessed company exposes the company to double assessment by the Board and the home country supervisor. Another commenter recommended that grandfathered unitary SLHCs should be designated as assessed companies only if the assets associated with the savings association and other financial activities were greater than $50 billion, and another asserted that separate accounts held at insurance companies should be excluded from total consolidated assets for purposes of determining whether a company should be an assessed company. One commenter argued that total consolidated assets should not include foreign affiliates that are consolidated for accounting and public reporting purposes.

Section 318 of the Dodd-Frank Act requires the Board to use total consolidated assets for BHCs and SLHCs to determine whether a company should be an assessed company. In determining whether a BHC or SLHC meets the $50 billion threshold, section 318 does not provide a basis for treating foreign companies that are BHCs or SLHCs differently from domestic companies or excluding specific types of assets from the determination of a company's total consolidated assets. The statute states that BHCs and SLHCs with total consolidated assets of $50 billion or greater will be subject to an assessment. Therefore, the Board is not modifying its definition of total consolidated assets in response to these comments.

One commenter asserted that the proposal does not account for foreign BHCs that file on an annual basis on form FR Y–7Q. Expressing concern that this approach might overstate variations in asset size, the commenter recommended that, to treat foreign BHCs that report total consolidated assets annually in a similar manner to assessed companies that report quarterly, the foreign BHC's total consolidated assets should be based on the average of its total consolidated assets as reported in the FR Y–7Q for the assessment period and the year immediately preceding the assessment period. In response to this comment, for a foreign BHC that files annually, the Board will average its total consolidated assets from the FR Y–7Q from the assessment period and from the FR Y–7Q filed for the prior year to determine whether the foreign BHC is an assessed company. The Board notes that after the proposed revisions to the FR Y–7Q become effective, foreign BHCs that are assessed companies will file on a quarterly basis and both foreign and domestic assessed companies will generally be determined to be assessed companies on the basis of a four-quarter average of total consolidated assets.

Another commenter requested that the Board index the $50 billion threshold to inflation; however, section 318 of the Dodd-Frank Act requires the Board to use a $50 billion threshold and does not provide for the threshold to be indexed.

The proposal provided that the organizational structure and financial information that the Board will use for the purpose of determining whether a company is an assessed company, including information with respect to whether a company has control over a U.S. bank or savings association, will be that information which the Board has received on or before June 30 of the year following that the applicable assessment period. Because the Board is changing the date on which it will notify assessed companies of the assessment to June 30 from July 15, described further below, the Board is clarifying that all organizational structure and financial information must be received by the Board no later than June 15 to be consistent with the revised date.

In the final rule, the Board also has amended the proposal to reserve the authority to avoid an inequitable or inconsistent application of the rule. Other than as noted above, the final rule adopts the proposed definition of assessed company without change.

2. Total Assessable Assets

The proposed rule defined the term ''total assessable assets'' as the amount of assets that would be used to calculate an assessed company's assessment. In order to collect assessments that reflect the expenses of the Board in performing its role as the consolidated supervisor of assessed companies, total assessable assets included total assets for all activities subject to the Board's supervisory authority as the consolidated supervisor. For a U.S.-domiciled assessed company, the proposal provided that total assessable assets would be the company's total consolidated assets of its entire worldwide operations, determined by using an average of the total consolidated asset amounts reported in applicable regulatory reports for the assessment period.[8] For a Board-supervised nonbank financial company, the proposal provided that total assessable assets would be the average of the nonbank financial company's total consolidated assets as reported during the assessment period on such regulatory or other reports as would be determined by the Board.[9] At such time as a foreign SLHC would become an assessed company, the proposal provided that total assessable assets would be the average of the foreign SLHC's total combined assets of U.S. operations as reported during the assessment period by the foreign SLHC.

For a foreign BHC, the proposal provided that the total assessable assets

[8] For assessed companies that are grandfathered unitary savings and loan holding companies, the proposal included only assets associated with its savings association subsidiary and its other financial activities in total assessable assets.

[9] If the Board-supervised nonbank financial company is a foreign company, the proposal provided that its assessable assets would be the average of the company's U.S. assets as reported during the assessment period. The Board may evaluate its methodology for determining total assessable assets for nonbank financial companies as the Board gains experience supervising nonbank financial companies.

would be equal to the company's total combined assets of U.S. operations,[10] including U.S. branches and agencies, as the Board is the consolidated supervisor for the company's U.S. activities. Foreign BHCs do not currently submit a single regulatory reporting form that reports the total combined assets of their U.S. operations for which the Board has supervisory and regulatory authority.[11] In order to determine a foreign BHC's total assessable assets for the 2012 and 2013 assessment periods, the proposal provided that a foreign BHC's total assessable assets would be the average of the total combined assets of U.S. operations, net of U.S. intercompany balances and transactions (as allowed),[12] from the regulatory reports for, specifically:

- Top-tier, U.S.-domiciled BHCs and SLHCs [13];
- U.S. branches and agencies [14];
- U.S.-domiciled nonbank subsidiaries [15];
- Edge Act and Agreement Corporations [16];
- U.S. banks and U.S. savings associations [17]; and
- Broker-dealers that are not reflected in the assets of a U.S. domiciled parent's regulatory reporting form submission.[18]

Some commenters requested that the Board refine its methodology for calculating total combined assets of a foreign assessed company prior to the effective date of the modified FR Y–7Q by excluding intercompany balances reported in Form FFIEC 002, Schedule M, amounts outstanding from related nondepository majority-owned subsidiaries in the U.S. The final rule reflects this comment.[19]

As described above, there are a small number of companies that only file financial statements in accordance with SAP and do not report consolidated financial statements under GAAP. In response to comments that urge the Board to avoid requiring companies that only file financial statements in accordance with SAP to also provide GAAP financial statements, such a company may request the Board to permit the company to file quarterly an estimate of its total assessable assets, which the Board will consider.

The final rule otherwise adopts the methodology for calculating total assessable assets for a foreign assessed company for the 2012 and 2013 assessment periods as proposed. As provided in the proposal, beginning with the 2014 assessment periods, the Board will modify the FR Y–7Q by adding a line item for an FBO to report the total combined assets of a foreign banking organization's U.S. operations and base the determination of a foreign BHC's assessable assets on that line item.

A number of commenters criticized how the Board proposed to calculate total assessable assets. Several of these commenters asserted that the final rule should exclude an insurance company's separate accounts from the calculation of total assessable assets, arguing that separate account assets are not indicative of insurer risk, and thus are not the focus of consolidated Board supervision and regulation. One commenter argued that when the Council assesses the systemic risk posed by nonbank financial companies, the Council excludes separate account assets from the calculation of ''total consolidated assets'' for purposes of the leverage ratio and short-term debt ratio Stage 1 designation criteria, and therefore such assets should be excluded from total assessable assets. The Board notes that the designation criteria cited by the commenters are screening thresholds only for the purpose of determining whether to subject a company to further review under the Council's interpretive guidance, and, furthermore, the Council does not exclude separate accounts from the total consolidated assets Stage 1 designation criterion.[20]

[10] The proposal provided that a foreign BHC's total assessable assets does not include the assets of section 2(h)(2) companies as defined in section 2(h)(2) of the Bank Holding Company Act (12 U.S.C. 1841(h)(2)).

[11] Currently, foreign BHCs, as foreign banking organizations, report total consolidated assets of worldwide operations on the FR Y–7Q. As described further below, the proposal provided that the FR Y–7Q would be amended to require a foreign banking organization to report its total combined assets of U.S. operations, in addition to its total consolidated assets of worldwide operations.

[12] The proposal provided that net intercompany balances and transactions between a U.S. entity and a foreign affiliate are not eliminated when determining total assessable assets, as such balances and transactions do not result in double counting of assets on a U.S.-combined basis. Further, only intercompany balances and transactions between U.S.-domiciled affiliates, branches or agencies that are itemized on a standalone regulatory report may be eliminated in the calculation of total assessable assets. For regulatory reports that do not distinguish between (i) balances and transactions between U.S. affiliates, and (ii) balances and transactions between a U.S affiliate and a foreign affiliate, the proposal provided that the Board will not eliminate any such balances or transactions between affiliates reported on the form because it would be impossible to distinguish between assets that would result in double counting and assets that would not result in double counting.

[13] The proposal provided that total assets for each U.S.-domiciled, top-tier BHC or SLHC would be the company's total assets as reported on line item 12, Schedule HC of the FR Y–9C, or as reported on line item 1, column B, of the FR 2320, as applicable.

[14] The proposal provided that total assets for each branch or agency would be calculated as total claims on nonrelated parties (line item 1.i from column A on Schedule RAL) plus due from related institutions in foreign countries (line items 2.a, 2.b(1), 2.b(2), and 2.c from column A, part 1 on Schedule M), as reported on the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002). Note that due from head office of parent bank (line item 2.a, column A, part 1 on Schedule M) would be included net of due to head office of parent bank (line item 2.a, column B, part 1 on Schedule M) when there is a net due from position reported for line item 2.a. A net due to position for line item 2.a would result in no addition to total assets with respect to line item 2.a, part 1 on Schedule M.

[15] Under the proposal, for quarterly Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–N) filers, total assets for each nonbank subsidiary would have been calculated as total assets (line item 10, Schedule BS), minus gross balances due from related institutions located in the United States (line item 4.a of Schedule BS–M) as reported on the FR Y–7N. For annual Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–NS) filers, total assets for each nonbank subsidiary are as reported on line item 2 of the FR Y–7NS. Until foreign assessed companies report on the revised form FR Y–7Q described in this rule, the Board will only include the assets of affiliates for which the foreign assessed company is the majority owner, as the Board would not have sufficient information to accurately account for non-majority-owned affiliates.

[16] Under the proposal, total assets for each Edge Act or agreement corporation would have been the sum of claims on nonrelated organizations (line item 9, ''consolidated total'' column on Schedule RC of the Consolidated Report of Condition and Income for Edge Act and agreement corporations (FR 2886b)), and claims on related organizations domiciled outside the United States (line items 2.a and 2.b, column A on Schedule RC–M), as reported on FR 2886b.

[17] Under the proposal, total assets for each bank or savings association that is not a subsidiary of a U.S.-domiciled bank holding company or savings and loan holding company would have been the bank's or savings association's total assets as reported on line item 12, Schedule RC of the Balance Sheet of the Consolidated Reports of Condition and Income (FFIEC 031 or FFIEC 041, as applicable).

[18] Under the proposal, total assets for each broker-dealer would have been the broker-dealer's total assets as reported on the statement of financial condition of the SEC's FOCUS Report, Part II (Form X–17A–5), FOCUS Report, Part IIa (Form X–17A–5), or FOCUS Report, Part II CSE (Form X–17A–5).

[19] Under the final rule, total assets for each U.S. branch or agency will be calculated as total claims on nonrelated parties (line item 1.i from column A on Schedule RAL) plus net due from related institutions in foreign countries (line items 2.a, 2.b(1), 2.b(2), and 2.c from column A, minus line items 2.a, 2.b(1), 2.b(2) and 2.c from column B, part 1 on Schedule M), minus transactions with related nondepository majority-owned subsidiaries in the U.S. (line item 1 from column A, part 3 on Schedule M), as reported on the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002). Further, under the final rule, net due from related institutions in foreign countries (line items 2.a, 2.b(1), 2.b(2), and 2.c from column A, minus line items 2.a, 2.b(1), 2.b(2) and 2.c from column B, part 1 on Schedule M) are added to total assets only when there is a net due from position. A net due to related institutions in foreign countries results in no reduction to total assets.

[20] *See* 77 FR 21637 (April 11, 2012). The Council approved a rule and interpretive guidance on the ''Authority To Require Supervision and Regulation of Certain Nonbank Financial Companies'' in April

The Board believes that separate accounts are appropriately included in the calculation of total assessable assets. The Board is the consolidated supervisor of an assessed company that is an insurance company or has one or more subsidiaries that are insurance companies that engages in the activities that result in separate accounts. Accordingly, the activities involving separate accounts contribute to the cost of the Board's supervision for that assessed company.

Some commenters also asserted that the Board should exclude assets attributable to nonfinancial activities of an assessed company. One commenter stated that the Board should resolve this issue by promulgating an intermediate holding company rule. As stated in the proposal, and under the final rule, total assessable assets for an assessed company, including Board-supervised nonbank financial company will be the total consolidated assets of that company because the Board would be the consolidated supervisor for the Board-supervised nonbank financial company. The Board may evaluate its methodology for determining total assessable assets for such companies as the Board gains experience supervising nonbank financial companies. Thus, the Board is adopting this aspect of the proposal without change.

3. Assessment Periods

The proposal established each calendar year as an assessment period. For each assessment period, the Board proposed to make a determination as to whether an entity is an assessed company for that assessment period. The Board proposed to determine whether a company, as of December 31 of the assessment period, is (i) a BHC or SLHC with average total consolidated assets equal to or exceeding the $50 billion threshold, as reported on the relevant reporting form(s) or based on such other information as the Board might consider or (ii) a Board-supervised nonbank financial company. The Board is adopting this aspect of the proposal without change.

4. Assessment Basis

The proposal defined the assessment basis as the applicable estimated expenses of the Board and the Reserve Banks (to which the Board has delegated supervisory responsibility) relating to acting as the consolidated supervisor of assessed companies. Under the proposal, expenses are all operating expenses, including support, overhead, and pension expenses associated with the consolidated supervision and regulation of assessed companies. In order to determine the annual assessment basis, the proposal provided that the Board would estimate its aggregate expenses for activities related to the supervision and regulation of all assessed companies. These expenses included: conducting onsite and offsite examinations, inspections, visitations and reviews; providing ongoing supervision; meeting and corresponding with assessed companies regarding supervision matters; conducting stress tests; assessing resolution plans; developing, administering, interpreting and explaining regulations, laws, and supervisory guidance adopted by the Board; engaging in enforcement actions; processing and analyzing applications and notices, including conducting competitive analyses and financial stability analyses of proposed bank and BHC mergers, acquisitions, and other similar transactions; processing consumer complaints; and implementing a macro-prudential supervisory approach.[21]

In addition, the proposal provided that the estimated expenses in the assessment basis would include a proportion of expenses associated with activities that are integral to carrying out the supervisory and regulatory responsibilities of the Board as consolidated supervisor for assessed companies, although those expenses are not directly attributable to specific companies. These activities include: (i) The Shared National Credit Program, which the Board and the other federal banking agencies established in 1977 to promote the efficient and consistent review and classification of shared national credits; (ii) the training of staff in the supervision function; (iii) research and analysis, which includes library and subscription services, and development of supervisory and regulatory policies, procedures, and products of the Board; (iv) collecting, receiving, and processing regulatory reports received from institutions supervised and regulated by the Board; and (v) supervision and regulation automation (*e.g.,* information technology) services. For these activities, the Board noted in the proposal that it would calculate the relative proportion of its supervision expenses that are attributable to assessed companies divided by expenses for those activities that are attributable to all companies supervised by the Board, and include that proportion of expenses associated with activities that are integral to carrying out the Board's supervisory and regulatory responsibilities in the assessment basis.

Several commenters expressed concern with the proposal's description of the Board's procedures, accounting, and methodology for arriving at the assessment basis and asserted that the Board had not provided sufficient detail to assess whether the Board had met the ''necessary or appropriate'' standard established by section 318 of the Dodd-Frank Act. Other commenters argued that the proposal did not distinguish between the supervision and regulation of assessed companies and the large number of other institutions subject to Board oversight. Some commenters recommended that the Board publish a report itemizing the expenses for each assessment period by the type of expenses. A few commenters asserted that the Board should clarify and publish for further comment the methodology it plans to use to identify and measure both those expenses that are directly related to its consolidated oversight of assessed companies, and those expenses that are not directly related to its consolidated oversight of assessed companies but are included in the assessment basis.

With respect to the comments that the Board publish for comment more detail with respect to the assessment basis, the Board believes that the proposal provided meaningful opportunity for public comment. The proposal provided a description of expenses related to supervising and regulating assessed companies and described how the Board would also apply a proportion of expenses related to activities that are integral to carry out the supervisory and regulatory responsibilities of the Board. Nonetheless, the Board is clarifying for commenters the manner in which it will compute and apportion the assessment basis.

The Board's operating expenses are published annually in the Board of Governors' Annual Report: Budget

2012. The interpretive guidance establishes six thresholds that the Council uses to identify nonbank financial companies for further evaluation. The first threshold is $50 billion in total consolidated assets, with no exclusion of separate accounts. The fifth and sixth thresholds are the leverage ratio and the short-term debt ratio described by the commenter, both of which exclude separate accounts.

[21] Under the proposal, the Board's expenses with respect to its direct supervision of state member banks and branches and agencies of foreign banking organizations are excluded from the assessment basis because such expenses are not attributable to the Board's role as the consolidated supervisor of the assessed company, which is the unique supervisory role the Board serves among all federal banking supervisors. Therefore, it is the expenses associated with the Board's consolidated supervision and regulation of assessed companies that provide the basis for the Board's assessments.

Review.[22] For 2012, supervision and regulation operating expenses at the Board and the Reserve Banks totaled $1,172 million, comprised of $1,057 million in supervision and regulation operating expenses for the Federal Reserve Banks (Reserve Banks)[23] and $115 million in supervision and regulation operating expenses for the Board.[24]

The Reserve Banks' operating expenses are determined through a cost accounting system that provides uniform methods of accounting for expenses, allowing each Reserve Bank to determine the full cost of its and all Reserve Bank services. The activities involved in the supervision and regulation of assessed companies are used to identify the relevant expenses for the assessment basis. For example: employee-time data are analyzed to determine the amount of time employees spend supervising assessed companies, and this analysis along with other, similar analyses are used to allocate salaries and other personnel expenses.

Operating expenses for the assessment basis include all expenses associated with the supervision and regulation of assessed companies, which are comprised primarily of personnel expenses, as well as those expenses for related administrative processes, support operations, and travel. Certain expenses associated with activities that cannot be directly attributed to assessed companies, but are integral to carrying out the supervisory responsibilities of the Reserve Banks, are added to the assessment basis on a proportional basis. For these expenses, the Board determines the proportion of expenses directly attributable to the supervision of those companies subject to assessment, relative to the expenses directly attributable to the supervision of all financial institutions supervised by the Board. This proportion is then applied to the expenses for the activities integral to carrying out the supervisory responsibilities of the Reserve Banks[25] and the resulting proportion of expenses is included in the assessment basis. For 2012, the Reserve Banks' proportion of expenses directly attributable to the supervision of assessed companies was about 34 percent of the $742 million directly attributable to the Board's cost of supervising all financial institutions.

Since publishing the proposed rule, the Board has revised its calculation of the assessment basis for 2012 to incorporate actual, rather than budgeted, expenses for the assessment year, and to adjust the assessment basis in accordance with a change made to the final rule.[26] The 2012 expenses associated with activities directly attributable to the supervision of assessed companies contribute about $256 million to the assessment basis, and the proportion of expenses (about 34 percent) for activities integral to carrying out the supervisory responsibilities of the Reserve Banks (a total of about $240 million) adds about $82 million. In addition, the Board assigned to the assessment basis a proportional share of pension expenses of about $56 million. Thus, the total estimated Reserve Bank operating expenses (direct, related, and pension expenses) attributed to the supervision and regulation of assessed companies for 2012 is about $394 million.

With respect to the operating expenses of the Board, the Board groups all divisions into one of two categories for the purpose of determining the contribution to the assessment basis—those that perform supervision- and regulation-related activities with respect to assessed companies (direct) and those that provide support to supervision and regulation related activities (indirect). Divisions that are categorized as direct are Banking Supervision and Regulation, Consumer and Community Affairs, Research and Statistics, International Finance, Monetary Affairs, Office of Financial Stability Policy and Research, and Legal. The remaining divisions are classified as indirect based on the support they provide to the direct divisions, necessary for the continuation of normal operations.[27]

Similar to the employee time data the Reserve Banks use to estimate operating expenses attributable to the supervision and regulation of assessed companies, the Board uses annual time surveys from employees in the direct divisions to determine the estimated proportion of time attributable to the supervision and regulation of assessed companies. For 2012, operating expenses of the direct divisions totaled $246 million, of which $29 million is directly attributable to the cost of supervising and regulating assessed companies. These totals are comprised of (i) the Division of Banking Supervision and Regulation, with total operating expenses of $93 million, of which about $22 million is directly attributable to the supervision and regulation of assessed companies; (ii) the Division of Consumer and Community Affairs with total operating expenses of $22 million, of which about $1 million is directly attributable to the supervision and regulation of assessed companies; (iii) the Legal Division with total operating expenses of $20 million, of which about $4 million is directly attributable to the supervision and regulation of assessed companies; and (iv) the divisions of Research and Statistics, International Finance, Monetary Affairs and the Office of Financial Stability Policy and Research with total operating expenses of $111 million, of which about $2 million is directly attributable to the supervision and regulation of assessed companies. The employee-time survey data are also used to estimate the proportion of each direct division's non-personnel expenses, such as travel expenses, that is attributable to the supervision and regulation of assessed companies.

To determine the proportion of the indirect divisions' expenses included in the assessment basis, the Board calculates the proportion of employee time in the direct divisions attributable to the supervision and regulation of assessed companies relative to the total employee time at the Board, which is then applied to the total expenses of the indirect divisions, and this proportion of indirect division expenses is added to the assessment basis. For the 2012 assessment period, the indirect divisions' expenses totaled $252 million, of which about 5 percent ($13 million) was added to the assessment

[22] *See http://www.federalreserve.gov/publications/budget-review/default.htm.*

[23] Refer to 2012 actual expenses in Table C.3. Operating Expenses of the Federal Reserve Banks, Federal Reserve Information Technology (FRIT), and Office of Employee Benefits (OEB) by operational area, as reported in the Board's 2013 Annual Report: Budget Review. Reserve Bank operating expenses include an allocation of all direct, support, and overhead expenses.

[24] Refer to 2012 actual expenses in Table B.1. Operating expenses of the Board of Governors, by division, office or special accounts as reported in the Board's 2013 Annual Report: Budget Review. The Board's total operating expenses for 2012 was $497 million. The Board's supervision and regulation operating expenses reflect the expenses of the Division of Banking Supervision and Regulation ($93 million) and the Division of Consumer and Community Affairs ($22 million). The total of $115 million for 2012, however, does not include the contribution of expenses from other divisions at the Board that also perform supervision and regulation activities, including the Legal Division and to some extent the divisions of Research and Statistics, International Finance, Monetary Affairs, and Office of Financial Stability Policy and Research. The method for estimating the Board's expenses associated with the supervision and regulation of assessed companies is described below.

[25] Activities integral to carry out the supervisory responsibilities of the Reserve Banks include staff training and education, supervision policy and projects, regulatory reports processing, and supervision and regulation automation services.

[26] This change, relating to the Shared National Credit Program, is described below.

[27] The indirect divisions include the Office of Board Members, Office of the Secretary, Division of Financial Management, Information Technology, Office of the Chief Operating Officer, Office of the Chief Data Officer, the Management Division, and Reserve Bank Operations and Payment Systems.

basis. The Board also includes in the assessment basis a similarly calculated proportion of the Board's pension expenses, which for 2012 was $4 million. Thus, the total estimated Board operating expenses (direct, indirect and pension expenses) attributed to the supervision and regulation of assessed companies for 2012 is about $46 million.

In total, the Board estimates that the total expenses necessary or appropriate to carry out its supervision and regulation of assessed companies in 2012 is $440 million. The Board does not anticipate changes to this estimate before publishing the assessment basis upon the effective date of this rule. Should any changes become necessary, the Board will provide explanation of the changes within the publication of the assessment basis and assessment rate for the 2012 assessment.

In response to commenters' requests that the Board provide a detailed report of its costs related to supervising and regulating assessed companies for a given assessment period, the Board will provide, on the Board's Web site each year by June 30, a report similar to the description contained in this preamble containing the operating expenses, together with the amount of those expenses that the Board estimates are attributable to supervision and regulation of assessed companies.

One commenter asserted that some Reserve Banks do not supervise or regulate any assessed companies and, therefore, the assessment basis should not include the cost of support and overhead for those offices. Although certain Reserve Banks do not supervise assessed companies, they may provide support associated with the Board's and other Reserve Banks' supervision and regulation of assessed companies, such as staff training and automation services. In determining the assessment basis, the Board includes only the supervision and regulation expenses attributable to the supervision and regulation of assessed companies, as described above. The Board does not include support and overhead expenses of any portion of the Reserve Banks' operations that are not attributable to the supervision and regulation of assessed companies.

Some commenters asserted that costs associated with functionally-regulated subsidiaries of BHCs or SLHCs, such as national banks and state non-member banks, should not be included in the assessment basis. As the consolidated supervisor, the Board is charged with the supervision and regulation of the holding company parent, including its capital, leverage, liquidity, and enterprise-wide compliance risk management, which are affected by and may affect functionally regulated subsidiaries. In fulfilling its role, the Board relies to the fullest extent possible on the supervisory activities and reports of functional regulators. Thus, the Board does incur some expenses related to functionally regulated entities, including working with functional regulators to understand the consolidated risk profile of the firm. The Board believes it is appropriate to include those expenses in the assessment basis.

A few commenters asserted that the Board's cost of development of the infrastructure for the supervision and regulation of Board-supervised nonbank financial companies should be excluded from the assessment basis applicable to BHCs and SLHCs. Some commenters requested that costs associated with investigations and enforcement actions against BHCs should not be charged to SLHCs or Board-supervised nonbank financial companies. The Board, however, believes that a simple standard for apportioning all costs across all assessed companies is the most objective and transparent way to allocate the costs of supervision and regulation of assessed companies. Therefore, all of the Board's estimated expenses that are necessary and appropriate to carry out the supervisory and regulatory responsibilities of the Board with respect to assessed companies are being apportioned across all assessed companies.

Commenters also urged the Board to exclude the cost of the Shared National Credit Program from the assessment basis. Upon consideration, the Board agrees with commenters that it should remove the proportion of expenses related to the Shared National Credit Program, which was approximately $6 million, from the assessment basis.

Some commenters asked whether certain expenses included in the assessment basis can be classified properly as supervisory and regulatory, such as the processing of applications, competitive analyses, and the processing of consumer complaints. With respect to these commenters' views, the Board reviewed its determination that these expenses were necessary or appropriate to be included in the assessment basis. The Board is clarifying that, while the processing of consumer complaints is not included in the assessment basis, the Board does supervise and regulate an assessed company's enterprise-wide compliance risk management. The Board's processing of applications and competitive analyses are included as part of the Board's costs relating to its supervision and regulation of assessed companies because those activities are required under the Bank Holding Company Act and the Home Owners Loan Act and are therefore part of the Board's role as consolidated supervisor of assessed companies.

The Board also received comments that supported the assessment basis as reasonable given the intricacies involved in monitoring, analyzing, and ensuring the safety and soundness of complex institutions. Other commenters asserted that the methodology appropriately recognizes the distinctive nature of the different types of companies subject to the assessment.

The proposal also provided that the estimate of the Board's expenses would be based on an average of estimated expenses over the current and prior two assessment periods, with a transition period for 2012, 2013, and 2014 during which the Board would use the assessment basis for the 2012 assessment period, with the effect of using the same assessment rate for each of those years. Thereafter, to mitigate volatility in assessments and provide a more stable basis from year to year, the Board would calculate a three-year rolling average of its estimated expenses, and would determine assessments for each year based on that three-year average. The proposal also noted that the Board expects to evaluate the volatility in assessment fees resulting from its methodology for determining the assessment basis on an ongoing basis and may refine its methodology as appropriate through the rulemaking process. The Board is finalizing this portion of the methodology for determining the assessment basis without change.

B. Apportioning the Assessment Basis to Assessed Companies

1. Apportionment Based on Size

As discussed in the proposal, total expenses relating to the supervision of a company generally are a function of the size and associated complexity of the company. Larger companies are often more complex companies, with associated risks that play a large role in determining the supervisory resources necessary in relation to that company. The largest companies, because of their increased complexity, risk, and geographic footprints, usually receive more supervisory attention.[28]

[28] See, *e.g.,* ''Capital Plans,'' final rule published in the **Federal Register**, 76 FR 231 (Dec. 1, 2011), and ''Enhanced Prudential Standards and Early Remediation Requirements for Covered

Continued

Many commenters asserted that asset size should not be used as a proxy for the cost of supervision. For example, some commenters argued that the rule should provide for tailoring the assessments based on complexity, capital structure, risk, and interconnectedness and less on asset size. Some commenters asserted that an asset size measure may not provide adequate sensitivity for the types of risks to which a company might be exposed, and could result in less-complex companies, which the commenters asserted included smaller assessed companies or SLHCs, subsidizing the supervisory expenses for more complex institutions. Some of these commenters requested that the Board allocate higher costs to the nonbank operations of assessed companies, since those operations would not be subject to comprehensive prudential regulation similar to banking regulation. Some commenters urged the Board to adopt a methodology for apportioning expenses associated with the supervision and regulation of assessed companies on a company-specific basis. A few commenters suggested a tiered approach in which the assessment basis would be apportioned among assessed companies based on the number of supervisory activities to which the assessed company is subject, with each supervisory activity weighted based on the expense or percentage of time the Board devotes to that supervisory activity. Some commenters, however, supported the Board's approach to allocating assessments based on asset size.

In the proposal, the Board stated that it believes that apportioning the assessment basis based on the total assessable asset size of assessed companies is generally reflective of the amount of supervisory and regulatory expenses associated with a particular company, and is an approach based on information that is well understood, objective, transparent, readily available, and comparable among all types of assessed companies. The Board is concerned that the alternatives suggested by commenters could result in assessment fees based upon subjective, non-transparent criteria, and would not provide assessed companies with a means for evaluating whether the Board is consistently or appropriately allocating the assessment basis among assessed companies. Moreover, the Board is concerned that, if an assessed company publicly reported the amount of its assessment, a system of allocating the assessment basis that is not relatively straightforward and objective could cause market participants and counterparties to draw incorrect inferences about one or more assessed companies, to the potential detriment of assessed companies and the efficient functioning of markets.

Some commenters asserted that apportioning the assessment basis using size alone would result in SLHCs, which are not subject to section 165 of the Dodd-Frank Act (enhanced prudential standards), having to subsidize the Board's cost of carrying out enhanced prudential standards over other assessed companies. The Board notes that all assessed companies present unique supervisory concerns that require significant supervisory attention, including SLHCs. In fact, assessed companies that are SLHCs may present supervisory concerns that are not present for BHCs subject to enhanced prudential standards. As stated above, the Board believes that size is a reasonable proxy for estimating the amount of the Board's costs for regulating and supervising assessed companies. The Board is finalizing this aspect of the proposal without change.

2. Assessment Formula

The proposal would have apportioned the assessment basis among assessed companies by means of an assessment formula that used the total assessable assets of each assessed company. For each assessment period, the assessment formula applied to the assessed companies was proposed to be:

Assessment = $50,000 + (Assessed Company's Total Assessable Assets × Assessment Rate).

Under the proposal, each company's assessment would have been computed using a base amount of $50,000 for each assessed company. The Board stated in its proposal that including this base amount in each assessment would be appropriate to ensure that the nominal expenses related to the Board's supervision and regulation of such companies are covered, particularly for those companies that are near the $50 billion threshold. The proposal would have determined the ''assessment rate'' for each assessment period according to the following formula:

$$\text{Assessment rate} = \frac{\text{Assessment Basis} - (\text{Number of Assessed Companies} \times \$50{,}000)}{\text{Total Assessable Assets of All Assessed Companies}}$$

The proposal would have determined the assessment rate by dividing the assessment basis (minus the base dollar amount covering nominal expenses times the number of assessed companies) by the total assessable assets of all assessed companies to determine a ratio of Board expenses to total assets for each assessment period, and then would have multiplied an assessed company's total assessable assets by the resulting assessment rate. Thus, under the proposal, a company with higher total assessable assets would have been charged a higher assessment than a company with lower total assessable assets, which generally reflects the greater supervisory and regulatory attention and associated workloads and expenses associated with larger companies.

Some commenters suggested that an assessed company should be assessed on a pro-rata basis for the time within the year that the company becomes one of the types of companies listed in section 318 (*i.e.,* a BHC, SLHC or Board-supervised nonbank financial company) and falls under the Board's supervisory authority. In response to that comment, the Board has determined that when a company becomes a BHC, SLHC or Board-supervised nonbank financial company for the first time and it is also an assessed company, its assessment will be pro-rated based on the quarter in which it became an assessed company. For example, if, on August 30 of an assessment period, a foreign banking organization (that is not a BHC) with greater than $50 billion in total consolidated assets buys a U.S. bank and becomes a BHC and an assessed company for the first time, its assessment will be pro-rated at 50

Companies,'' proposal published in the **Federal Register**, 77 FR 594 (January 5, 2012).

percent to reflect the fact that the foreign BHC was an assessed company for two quarters. Additionally, if a nonbank company is designated by the Council for supervision by the Board on April 30 of an assessment period, its assessment will be pro-rated at 75 percent to reflect the fact that the Board-supervised nonbank financial company was an assessed company for three quarters.

The proposal provided that over the first three years of the program, the assessment rate would be fixed, using the 2012 assessment rate for calculating the assessment for the following two assessment periods, ending with the assessments for 2014. Thereafter, for each assessment period, the proposal provided that the Board would calculate an assessment rate by averaging the Board's relevant expenses for the past three years in order to reduce year-to-year fluctuations in assessments (*i.e.,* for the 2015 assessment period, the Board would average the expenses for the 2013, 2014, and 2015 assessment periods).

Some commenters requested that Board-supervised nonbank financial companies not be required to pay an assessment until the first assessment period following designation as a Board-supervised company to allow such companies to prepare and budget accordingly. Considering that assessments are collected the year following an assessment period (for example, assessments for the 2013 assessment period will be collected in 2014), the Board believes that a Board-supervised nonbank financial company will have sufficient time to prepare and budget for its assessment.

Collection Procedures

1. Notice of Assessment and Appeal Procedure

The proposal provided that the Board would send a notice of assessment no later than July 15 of the year following the assessment period to each assessed company stating: (1) That the Board had determined the company to be an assessed company, (2) the amount of the company's total assessable assets, and (3) the amount the assessed company must pay by September 30. The proposal also provided that the Board would, no later than July 15, publish on its public Web site the assessment rate for that assessment period.

Under the proposal, companies identified as assessed companies would have 30 calendar days from July 15 to appeal the Board's determination that the company is an assessed company or the company's total assessable assets. Companies choosing to appeal would have been required to submit a request for redetermination in writing and include all the pertinent facts that the company believed would be relevant for the Board to consider. Grounds for appeal would have been limited to (i) that the assessed company is not an assessed company (*i.e.,* it is not a BHC or SLHC with $50 billion in total consolidated assets, or a Board-supervised nonbank financial company as of December 31 of the assessment period), or (ii) review of the Board's determination of the assessed company's total assessable assets. The proposal provided that the Board would consider the company's appeal and respond within 15 calendar days after the end of the appeal period with the results of its review. A successful appeal would not change the assessment for any other company.

Several commenters recommended that the Board send the notices no later than June 30 rather than July 15 so that the assessed companies would have sufficient time to review and potentially appeal the assessment before they might be required to disclose the assessment publicly under the securities laws or respond to an investor question during an earnings call. They also expressed an interest in being able to incorporate the assessment into second quarter disclosures. In the final rule, in response to commenters, the Board is changing the date by which it will send the notice of assessments from July 15 to June 30. In addition, consistent with the amendment to the notification date (from July 15 to June 30 in the final rule), the Board will also adjust the date by which it must receive payment from September 30 to September 15. The Board will publish on its public Web site the assessment rate for that assessment period and the description of how the Board determined the assessment basis no later than June 30.

In response to the proposal's notification and appeal procedure, some commenters requested that the Board informally communicate with assessed companies before sending assessment notices, or explain any variation in its calculation of total assessable assets for a foreign assessed company, and that the Board notify assessed companies of any material changes to the composition of the assessment basis and provide them a reasonable opportunity to comment. One commenter suggested that the Board deliver the notice of assessment confidentially to each assessed company and itemize the Board's expenses. The Board notes that the rule as proposed provides the assessed companies with a process for appeal during which they may communicate with the Board about the assessment and that the assessment would be based on an assessed company's asset size, not an itemized list of expenses.

One commenter recommended that the Board provide foreign assessed companies with a detailed explanation of the calculation of the foreign assessed company's total assessable assets during the transition period. The Board notes that the final rule provides the line items from which the Board will calculate a foreign assessed company's total assessable assets during the transition period, and the Board will follow that methodology each year during the transition period.[29] In addition, the Board notes that the rule as proposed provides the assessed companies with a process for appeal during which they may communicate with the Board about the assessment. Thus, the final rule adopts the appeal procedure as proposed.

In addition, in the final rule, the Board is amending the dates on which it will notify assessed companies of, and collect the 2012 assessment period. For the 2012 assessment period only, the Board will provide the date by which an assessed company must pay it assessment in the 2012 notice of assessments, which the Board anticipates will be sent out shortly after the effective date of this rule. The Board anticipates that the date by which an assessed company must pay its assessment will be sometime in December and, in any event, will be no later than December 15, 2013. Thereafter, the Board will notify assessed companies of their assessments and collect the assessments according to the dates set forth in the final rule.

2. Collection of Assessments

Under the proposal, each assessed company would have been required to pay its assessments using the Fedwire Funds Service (Fedwire) to the Federal Reserve Bank of Richmond. The proposal provided that the assessments would then be transferred to the U.S. Treasury's General Account. The proposal provided that the assessments would need to be credited to the Board by September 30 of the year following the assessment period. The proposal provided that in the event that the Board did not receive the full amount of an assessed company's assessment by the payment date for any reason that is not attributable to an action of the Board, the assessment would have been considered delinquent and the Board

[29] See also discussion of changes to the FR Y–7Q.

would have charged interest on the delinquent assessment until the assessment and interest, calculated daily from the collection date and based on the U.S. Treasury Department's current value of funds rate percentage,[30] were paid.

Several commenters asked the Board to postpone the commencement of its assessment program until 2014, asserting that assessed companies would need time to budget for the expenses. Other commenters asked the Board to charge the assessment prospectively. The Board provided notice of the assessment through its publication of the notice of proposed rulemaking on April 18, 2013. The proposal provided adequate notice of the Board's intent to collect assessments in 2013. Therefore, the Board believes that the notice provided adequate time for assessed companies to prepare for expenses payable in the second half of 2013. The Board is otherwise adopting this aspect of the proposal without change.

Revisions to the FR Y–7Q

The FR Y–7Q requires each top-tier foreign banking organization to file asset and capital information. Currently, Part 1 of the report requires the filing of capital and asset information for the top-tier foreign banking organization,[31] while Part 2 requires capital and asset information for lower-tier foreign banking organizations operating a U.S. branch or an agency, or owning an Edge Act or agreement corporation, a commercial lending company, or a commercial bank domiciled in the United States.[32] As explained in the reporting instructions for the FR Y–7Q, both Part 1 and Part 2 of the reporting form collect capital and asset information with respect to the foreign banking organization's worldwide operations. However, neither Part 1 nor Part 2 collects capital and asset information with respect to only the foreign banking organization's U.S. operations.

For the purpose of determining a foreign assessed company's total assessable assets, the Board noted in the proposal that combining the assets of the foreign assessed company's U.S. branches and agencies with the total assets of all U.S.-domiciled affiliates reported on other regulatory reports would likely not yield a result that is comparable to the consolidated approach required of U.S.-domiciled assessed companies, which report total consolidated assets on Schedule HC of FR Y–9C according to standard rules of consolidation. That is, not all reports itemize separately the intercompany balances and transactions between only U.S. affiliates that would be netted out on a U.S.-consolidated basis. Therefore, in order to improve parity among all assessed companies with respect to the determination of total assessable assets as set forth in the proposal, the Board proposed to revise Part 1 of the FR Y–7Q to collect the top-tier foreign banking organization's total combined assets of U.S. operations,[33] net of intercompany balances and transactions between U.S. domiciled affiliates, branches and agencies.[34] The amended instructions for the amended FR Y–7Q would have closely paralleled, to all practicable extents, the instructions for the FR Y–9C for consolidating assets of U.S. operations, including with respect to accounting for less-than-majority-owned affiliates.

One commenter asserted that in determining total assessable assets for domestic BHCs, the Board should use Schedule HC–K of the FR Y–9C, which provides quarterly average numbers, rather than quarter-end asset numbers. To ensure consistency in reporting, however, the Board believes that the determination of total assessable assets should rely on quarter-end asset numbers so that the methodology used should be consistent with that used for other assessed companies[35] and for similar rulemakings.[36] The Board intends to implement the reporting requirements as proposed.

The Board also proposed to revise Part 1 of the FR Y–7Q to collect information about certain foreign banking organizations more frequently. As mentioned above, only top-tier foreign banking organizations with financial holding company status file Part 1 of the FR Y–7Q quarterly, while a top-tier foreign banking organization would report annually if the foreign banking organization, or any foreign banking organization in its tiered structure, has not effectively elected to be a financial holding company. Accordingly, for purposes of determining whether a foreign banking organization is an assessed company and the amount of a foreign assessed company's total assessable assets more frequent than annually, the Board proposed to revise the FR Y–7Q quarterly reporting requirements for Part 1 to include all top-tier foreign banking organizations, regardless of financial holding company designation, with total consolidated worldwide assets of $50 billion or more as reported on Part 1 of the FR Y–7Q. Once a foreign banking organization has total consolidated assets of $50 billion or more and begins to report quarterly, the foreign banking organization must continue to report Part 1 quarterly unless and until the foreign banking organization has reported total consolidated assets of less than $50 billion for each quarter in a full calendar year. Thereafter, the foreign banking organization may revert to annual reporting, in accordance with the FR Y–7Q reporting form's instructions for annual reporting of Part 1. If at any time, after reverting to annual reporting, a foreign banking organization has total consolidated assets of $50 billion or more, the Foreign Banking Organization (FBO) must return to quarterly reporting of Part 1. Regardless of size, all top-tier foreign banking organizations that have elected to be financial holding companies at the foreign banking organization's top tier or tiered structure would continue to report quarterly.

One commenter asserted that it was unnecessary to expand the FR Y–7Q to require quarterly filing from all top-tier foreign banking organizations that are not financial holding companies, or to require all top-tier reporting entities to report total combined U.S. assets. However, the Board believes that

[30] The current value of funds rate percentage is issued under the Treasury Fiscal Requirements Manual and published quarterly in the **Federal Register**.

[31] This form is reported annually by each top-tier foreign banking organization if it or any foreign banking organization in its tiered structure has not elected to be a financial holding company, and is reported quarterly by each top-tier foreign banking organization if it or any foreign banking organization in its tiered structure has elected to be a financial holding company.

[32] Reported quarterly by each lower-tier foreign banking organization (where applicable) operating a branch or an agency, or owning an Edge Act or Agreement corporation, a commercial lending company, or a commercial bank domiciled in the United States, if it or any foreign banking organization in its tiered structure has financial holding company status.

[33] For purposes of the amended FR Y–7Q, total combined assets do not include the assets of section 2(h)(2) companies as defined in section 2(h)(2) of the Bank Holding Company Act (12 U.S.C. 1841(h)(2)).

[34] For purposes of FR Y–7Q reporting, U.S.-domiciled affiliates are defined as subsidiaries, associated companies, and entities treated as associated companies (*e.g.,* corporate joint ventures) as defined in the FR Y–9C.

[35] The Board notes that regulatory reporting forms used for determining the total assessable assets of foreign-owned assessed companies do not universally report quarterly averages, as reported on Schedule HC–K of the FR Y–9C. Moreover, those forms that do, such as the FFIEC 002, do not report quarterly averages in a manner that is consistent with the exclusion of intercompany balances between only U.S.-domiciled affiliates.

[36] See, *e.g.,* the final rulemaking establishing the supervisory and company-run stress test requirements for covered companies, published in the **Federal Register** 77 FR 62378 (October 12, 2012).

collecting comparable, more frequent information from foreign assessed companies will allow it to implement the assessment program more equitably among foreign and domestic assessed companies. Quarterly filing from all foreign banking organizations with more than $50 billion in total consolidated assets will provide the data necessary for consistent determinations of whether a potential assessed company should be included in a given assessment period and such company's total assessable assets, and will also provide for consistent treatment between foreign and domestic banking organizations.

Another commenter asked the Board to clarify the effective date of the revised FR Y–7Q. Companies required to file on the FR Y–7Q will be required to file on the amended form for the reporting periods ending on or after March 31, 2014. Finally, another commenter asked the Board to replace the ''Examples of who must report'' section of the reporting form. However, in the Board's experience, filers did not find the examples helpful, and the Board does not intend to replace them in the instructions to the reporting requirements for the amended FR Y–7Q. The Board intends to implement the reporting requirements as proposed.

III. Administrative Law Matters

A. Solicitation of Comments and Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act (Pub. L. 106–102, 113 Stat. 1338, 1471, 12 U.S.C. 4809) requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Board sought to present the proposed rule in a simple and straightforward manner and did not receive any comments on the use of plain language.

B. Paperwork Reduction Act Analysis

In accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506; 5 CFR Part 1320 Appendix A.1), the Board reviewed the final rule under the authority delegated to the Board by Office of Management and Budget (OMB). The Board may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The final rule contains reporting requirements that are found in §§ 246.3(e)(3) and 246.5(b). The OMB control numbers for these requirements are described below. As discussed above, on April 18, 2013, the Board published in the **Federal Register** a notice of proposed rulemaking seeking public comment on its proposal to implement section 318 of the Dodd-Frank Act.

Reporting Requirements in 246.3(e)(3)

Section 318 of the Dodd-Frank Act directs the Board to collect assessments, fees, or other charges from assessed companies equal to the expenses the Board estimates would be necessary and appropriate to carry out its supervision and regulation of those companies. An assessed company is any company that, on December 31 of the assessment period, is: (1) A BHC (other than a foreign BHC) with $50 billion or more in total consolidated assets as determined based on the average of the BHC's total consolidated assets reported for the assessment period on the BHC's Consolidated Financial Statements for Holding Companies (FR Y–9C) (OMB No. 7100–0128) forms; (2) an SLHC (other than a foreign SLHC) with $50 billion or more in total consolidated assets, as determined based on the average of the SLHC's total consolidated assets as reported for the assessment period on the FR Y–9C, on column B of the Quarterly Savings and Loan Holding Company Report (FR 2320; OMB No. 7100–0345), or based on an estimate agreed to by the Board, (3) a top-tier foreign company that is a BHC or SLHC on December 31 of the assessment period, with $50 billion or more in total consolidated assets determined based on the average of the foreign company's total consolidated assets reported during the assessment period on the Capital and Asset Report for Foreign Banking Organizations (FR Y–7Q; OMB No. 7100–0125), or, for annual filers of the FR Y–7Q, the average of the company's total consolidated assets for the assessment period and the year preceding the assessment period, and (4) a Board-supervised nonbank financial company designated by the Council pursuant to section 113 of the Dodd-Frank Act, for supervision by the Board. In order to improve parity among all assessed companies with respect to the determination of total assessable assets, as set forth in the final rule, the Board would revise Part 1 of the FR Y–7Q to collect a new data item from top-tier FBO's—Total combined assets of U.S. operations, net of intercompany balances and transactions between U.S. domiciled affiliates, branches and agencies.

In addition, the Board would revise the reporting panel for Part 1 of the FR Y–7Q to collect information about certain FBOs more frequently (from annual reporting to quarterly reporting) for purposes of determining whether a FBO is an assessed company. All top-tier FBOs, regardless of financial holding company designation, with total consolidated worldwide assets of $50 billion or more, as reported on Part 1 of the FR Y–7Q, would be required to submit data quarterly.

The Board estimates that 71 FBOs would initially be required to change from annual reporting to quarterly reporting.[37] The Board estimates that, upon implementation of the new data item, 109 FBOs would initially submit the FR Y–7Q on a quarterly basis. In addition, the Board estimates that 43 FBOs would initially submit the FR Y–7Q on an annual basis upon implementation of the new data item. In the proposed rule, the Board estimated that respondents affected by reporting requirements would take, on average, 15 minutes to submit the new data item on the FR Y–7Q. Upon a review of all these matters, including the comment received, described below, the annual reporting burden associated with the FR Y–7Q is estimated to be 404 hours.[38]

The Board received one comment from an industry association in response to the PRA estimate in the proposed rule. The commenter asserted that the Board's PRA estimate to comply with the new reporting requirement contained in § 246.3(e)(3) appears to be understated; however, the commenter did not provide an alternative estimates. In response, the Board recognizes that the amount of time required of any institution to comply with the reporting requirement may vary; however, the Board believes that estimates provided are reasonable averages.

Reporting Requirements in § 246.5(b)

Under § 246.5(b) upon the Board issuing the notice of assessment to each assessed company, the company would have 30 calendar days from June 30, or, for the 2012 assessment period, 30 calendar day from the Board's issuance of a notice of assessment for that assessment period, to submit a written statement to appeal the Board's determination (i) that the company is an assessed company; or (ii) of the company's total assessable assets. This new collection would be titled the Dodd-Frank Act Assessment Fees Request for Redetermination (FR 4030; OMB No. 7100—to be assigned).

The Board estimates that 7 assessed companies would submit a written

[37] Once an FBO reports total consolidated assets of $50 billion or more and begins to report quarterly, the FBO must continue to report Part 1 quarterly unless and until the FBO has reported total consolidated assets of less than $50 billion for each of all four quarters in a full calendar year. Thereafter, the FBO may revert to annual reporting.

[38] The burden estimate associated with 7100–0125 does not include the current burden.

request for appeal annually. The Board estimates that these assessed companies would take, on average, 40 hours (one business week) to write and submit the written request. The total annual PRA burden for the new FR 4030 information collection is estimated to be 280 hours.

The Board has a continuing interest in the public's opinions of our collections of information. At any time, comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, may be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551; and to the Office of Management and Budget, Paperwork Reduction Project (7100—to-be-assigned), Washington, DC 20503.

C. Regulatory Flexibility Act

In accordance with Section 4(a) of the Regulatory Flexibility Act, 5 U.S.C. 604 (''RFA''), the Board is publishing a final regulatory flexibility analysis for this rulemaking. The RFA requires an agency either to provide a regulatory flexibility analysis with the final rule or to certify that the final rule will not have a significant economic impact on a substantial number of small entities.

Based on its analysis and for the reasons stated below, the Board believes that this final rule would not have a significant economic impact on a substantial number of small entities. Nevertheless, the Board is publishing a final regulatory flexibility analysis.

As required by section 318 of the Dodd-Frank Act, the Board is finalizing a rule to assess BHCs and SLHCs with assets of equal to or greater than $50 billion and nonbank financial companies supervised by the Board for the total expenses the Board estimates are necessary or appropriate to carry out the supervisory and regulatory responsibilities of the Board with respect to such companies. The Board received no comments relating to its regulatory flexibility analysis

Under regulations issued by the Small Business Administration, a ''small entity'' includes those firms within the ''Finance and Insurance'' sector with asset sizes that vary from $35 million or less to $500 million or less.[39] The final rule, by definition, will affect BHCs and SLHCs with assets of equal to or greater than $50 billion. The final rule also will affect nonbank financial companies supervised by the Board under section 113 of the Dodd-Frank Act but it is unlikely that such an institution would be considered ''small'' by the Small Business Administration.

The Board's final rule is unlikely to impose any new recordkeeping, reporting, or compliance requirements or otherwise affect a small banking entity.

The Board has not identified any Federal rules that duplicate, overlap, or conflict with the revisions of the final rule.

The Board believes that no alternatives to the final rule are available for consideration.

List of Subjects in 12 CFR Part 246

Administrative practice and procedure, Assessments, Banks, Banking, Holding companies, Nonbank financial companies, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Board amends 12 CFR Chapter II by adding part 246 to read as follows:

PART 246—SUPERVISION AND REGULATION ASSESSMENTS OF FEES (REGULATION TT)

Sec.
246.1 Authority, purpose and scope.
246.2 Definitions.
246.3 Assessed companies.
246.4 Assessments.
246.5 Notice of assessment and appeal.
246.6 Collection of assessments; payment of interest.

Authority: Pub. L. 111–203, 124 Stat. 1376, 1526, and section 11(s) of the Federal Reserve Act (12 U.S.C. 248(s)).

§ 246.1 Authority, purpose and scope.

(a) *Authority.* This part (Regulation TT) is issued by the Board of Governors of the Federal Reserve System (Board) under section 318 of Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) (Pub. L. 111–203, 124 Stat. 1376, 1423–32, 12 U.S.C. 5365 and 5366) and section 11(s) of the Federal Reserve Act (12 U.S.C. 248(s)).

(b) *Scope.* This part applies to:

(1) Any bank holding company having total consolidated assets of $50 billion or more, as defined below;

(2) Any savings and loan holding company having total consolidated assets of $50 billion or more, as defined below; and

(3) Any nonbank financial company supervised by the Board, as defined below.

(c) *Purpose.* This part implements provisions of section 318 of the Dodd-Frank Act that direct the Board to collect assessments, fees, or other charges from companies identified in paragraph (b) of this section that are equal to the total expenses the Board estimates are necessary or appropriate to carry out the supervisory and regulatory responsibilities of the Board with respect to these assessed companies.

(d)(1) *Reservation of authority.* In exceptional circumstances, for the purpose of avoiding inequitable or inconsistent application of the rule, the Board may require an assessed company to pay a lesser amount of assessments than would otherwise be provided for under this Part.

(2) *Use of comparable financial information.* The Board may use, at its discretion, any comparable financial information that the Board may require from a company in considering whether the company must pay to the Board an assessment and the amount of such assessment, pursuant to section 318 of the Dodd-Frank Act.

§ 246.2 Definitions.

As used in this part:

(a) *Assessment period* means January 1 through December 31 of each calendar year.

(b) *Bank* means an insured depository institution as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(c) *Bank holding company* is defined as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), and the Board's Regulation Y (12 CFR part 225).

(d) *Company* means a corporation, partnership, limited liability company, depository institution, business trust, special purpose entity, association, or similar organization.

(e) *Council* means the Financial Stability Oversight Council established by section 111 of the Dodd-Frank Act (12 U.S.C. 5321).

(f) *Foreign bank holding company* means a foreign bank that is a bank holding company and any foreign company that owns such foreign bank.

(g) *Foreign savings and loan holding company* means a foreign bank or foreign company that is a savings and loan holding company.

(h) *GAAP* means generally accepted accounting principles, as used in the United States.

(i) *Grandfathered unitary savings and loan holding company* means a savings and loan holding company described in section 10(c)(9)(C) of the Home Owners' Loan Act (''HOLA'') (12 U.S.C. 1467a(c)(9)(C)).

(j) *Nonbank financial company supervised by the Board* means a company that the Council has determined pursuant to section 113 of the Dodd-Frank Act shall be supervised by the Board and for which such determination is in effect.

[39] 13 CFR 121.201.

(k) *Notice of assessment* means the notice in which the Board informs a company that it is an assessed company and states the assessed company's total assessable assets and the amount of its assessment.

(l) *Savings and loan holding company* is defined as in section 10 of HOLA (12 U.S.C. 1467a).

(m) *Savings association* is defined as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

§ 246.3 Assessed companies.

An assessed company is any company that:

(a) Is a top-tier company that, on December 31 of the assessment period:

(1) Is a bank holding company, other than a foreign bank holding company, with $50 billion or more in total consolidated assets, as determined based on the average of the bank holding company's total consolidated assets reported for the assessment period on the Federal Reserve's Form FR Y–9C (''FR Y–9C''),

(2)(i) Is a savings and loan holding company, other than a foreign savings and loan holding company, with $50 billion or more in total consolidated assets, as determined, except as provided in paragraph (a)(2)(ii) of this section, based on the average of the savings and loan holding company's total consolidated assets as reported for the assessment period on the FR Y–9C or on the Quarterly Savings and Loan Holding Company Report (FR 2320), as applicable.

(ii) If a company does not calculate its total consolidated assets under GAAP for any regulatory purpose (including compliance with applicable securities laws), the company may request that the Board permit the company to file a quarterly estimate of its total consolidated assets. The Board may, in its discretion and subject to Board review and adjustment, permit the company to provide estimated total consolidated assets on a quarterly basis. For purposes of this part, the company's total consolidated assets will be the average of the estimated total consolidated assets provided for the assessment period.

(b) Is a top-tier foreign bank holding company on December 31 of the assessment period, with $50 billion or more in total consolidated assets, as determined based on the average of the foreign bank holding company's total consolidated assets reported for the assessment period on the Federal Reserve's Form FR Y–7Q (''FR Y–7Q''), provided, however, that if any such company has filed only one FR Y–7Q during the assessment period, the Board shall use an average of the foreign bank holding company's total consolidated assets reported on that FR Y–7Q and on the FR Y–7Q for the corresponding period in the year prior to the assessment period.

(c) Is a top-tier foreign savings and loan holding company on December 31 of the assessment period, with $50 billion or more in total consolidated assets, as determined based on the average of the foreign savings and loan holding company's total consolidated assets reported for the assessment period on the reporting forms applicable during the assessment period, provided, however, that if any such company has filed only one reporting form during the assessment period, the Board shall use an average of the foreign savings and loan holding company's total consolidated assets reported on that reporting form and on the reporting form for the corresponding period in the year prior to the assessment period, or

(d) Is a nonbank financial company supervised by the Board.

§ 246.4 Assessments.

(a) *Assessment.* Each assessed company shall pay to the Board an assessment for any assessment period for which the Board determines the company to be an assessed company.

(b)(1) *Assessment formula.* Except as provided in paragraph (b)(2) of this section, the assessment will be calculated according to the Assessment Formula, as follows:

Column A		Column B		Column C		Column D
Base Amount ($50,000)	+	(Total Assessable Assets	×	Assessment Rate)	=	Assessment

(2) In any assessment period, if, at the time a company becomes a bank holding company or savings and loan holding company, it also becomes an assessed company, as defined in § 246.3, the Board shall pro-rate that company's assessment for that assessment period based on the number of quarters in which such company is an assessed company. For a nonbank financial company supervised by the Board, for the assessment period that the company is designated for Board supervision, Board shall pro-rate that company's assessment for that assessment period based on the number of quarters the company has been a nonbank financial company supervised by the Board.

(c) *Assessment rate.* Assessment rate means, with regard to a given assessment period, the rate published by the Board on its Web site for the calculation of assessments for that period.

(1) The assessment rate will be calculated according to this formula:

$$\text{Assessment rate} = \frac{\text{Assessment Basis} - (\text{Number of Assessed Companies} \times \$50{,}000)}{\text{Total Assessable Assets of All Assessed Companies}}$$

(2) For the calculation set forth in paragraph (c)(1) of this section, the number of assessed companies and the total assessable assets of all assessed companies will each be that of the relevant assessment period, provided, however, that for the assessment periods corresponding to 2012, 2013 and 2014, the Board shall use the number of assessed companies and the total assessable assets of the 2012 assessment period to calculate the assessment rate.

(d) *Assessment basis.*

(1) For the 2012, 2013, and 2014 assessment periods, the assessment basis is the amount of total expenses the Board estimates is necessary or appropriate to carry out the supervisory and regulatory responsibilities of the Board with respect to assessed companies for 2012.[1]

[1] The categories of operating expenses that the Board believes are necessary or appropriate include but are not limited to (1) direct operating expenses for supervising and regulating assessed companies such as conducting examinations, conducting stress tests, communicating with the company regarding supervisory matters and laws and regulations, *etc.;*

Continued

(2) For the 2015 assessment period and for each assessment period thereafter, the assessment basis is the average of the amount of total expenses the Board estimates is necessary or appropriate to carry out the supervisory and regulatory responsibilities of the Board with respect to assessed companies for that assessment period and the two prior assessment periods.[2]

(e) *Total assessable assets.* Except as provided in paragraph (f) of this section, total assessable assets are calculated as follows:

(1) *Bank holding companies.* For any bank holding company, other than a foreign bank holding company, total assessable assets will be the average of the bank holding company's total consolidated assets as reported for the assessment period on the bank holding company's FR Y–9C or such other reports as determined by the Board as applicable to the bank holding company,

(2) *Foreign bank holding companies and foreign savings and loan holding companies.*

(i) *In general.* For any foreign bank holding company or any foreign savings and loan holding company, with the exception of the 2012 and 2013 assessment periods, total assessable assets will be the average of the foreign bank holding company's or foreign savings and loan holding company's total combined assets of its U.S. operations, net of intercompany balances and transactions between U.S. domiciled affiliates, branches and agencies, as reported for the assessment period on the Part 1 of the FR Y–7Q or such other reports as determined by the Board as applicable to the foreign bank holding company or foreign savings and loan holding company,

(ii) *2012 and 2013 assessment periods.* For the 2012 and 2013 assessment periods, for any foreign bank holding company, total assessable assets will be the average of the sum of the line items set forth in this section reported quarterly, plus any line items set forth in this section reported annually for the assessment period on an applicable regulatory reporting form for the assessment period for all of the foreign bank holding company's majority-owned:

(A) Top-tier, U.S.-domiciled bank holding companies and savings and loan holding companies, calculated as:

(1) Total assets (line item 12) as reported on Schedule HC of the FR Y–9C and, as applicable;

(2) Total assets (line item 1, column B) as reported on FR 2320;

(B) Related branches and agencies of Foreign Banks in the United States, calculated as: total claims on nonrelated parties (line item 1.i from column A on Schedule RAL) plus net due from related institutions in foreign countries (line items 2.a, 2.b(1), 2.b(2), and 2.c from column A, minus line items 2.a, 2.b(1), 2.b(2) and 2.c from column B, part 1 on Schedule M), minus transactions with related nondepository majority-owned subsidiaries in the U.S. (line item 1 from column A, part 3 on Schedule M), as reported on the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002);

(C) U.S.-domiciled nonbank subsidiaries, calculated as:

(*1*) For FR Y–7N filers: total assets (line item 10) as reported for each nonbank subsidiary reported on Schedule BS—Balance Sheet of the Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–7N); minus balances due from related institutions located in the United States, gross (line item 4.a), as reported on Schedule BS–M—Memoranda, and, as applicable;

(*2*) For FR Y–7NS (annual) filers: total assets (line item 2) as reported for each nonbank subsidiary reported on abbreviated financial statements (page 3) of the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–7NS);

(D) Edge Act and agreement corporations that are not reflected in the assets of a U.S.-domiciled parent's regulatory reporting form submission, calculated as claims on nonrelated organizations (line item 9, ''consolidated total'' column on Schedule RC of the Consolidated Report of Condition and Income for Edge and Agreement Corporations (FR 2886b)), plus claims on related organizations domiciled outside the United States (line items 2.a and 2.b, column A on Schedule RC–M), as reported on FR 2886b;

(E) Banks and savings associations that are not reflected in the assets of a U.S.-domiciled parent's regulatory reporting form submission, calculated as: total assets (line item 12) as reported on Schedule RC—Balance Sheet of the Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (FFIEC 031), or total assets (line item 12) as reported on Schedule RC—Balance Sheet of the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only (FFIEC 041), as applicable; and

(F) Broker-dealers that are not reflected in the assets of a U.S.-domiciled parent's regulatory reporting form submission, calculated as: total assets as reported on statement of financial condition of the Securities and Exchange Commission's Form X–17A–5 (FOCUS REPORT), Part II line item 16, Part IIa, line item 12, or Part II CSE, line item 18, as applicable.

(3)(i) *Savings and loan holding companies.* For any savings and loan holding company, other than a foreign savings and loan holding company, total assessable assets will be, except as provided in paragraph (e)(3)(ii) of this section, the average of the savings and loan holding company's total consolidated assets as reported for the assessment period on the regulatory reports on the savings and loan holding company's Form FR Y–9C, column B of the Quarterly Savings and Loan Holding Company Report (FR 2320), or other reports as determined by the Board as applicable to the savings and loan holding company. If the savings and loan holding company is a grandfathered unitary savings and loan holding company, total assessable assets will only include the assets associated with its savings association subsidiary and its other financial activities.

(ii) If a company does not calculate its total consolidated assets under GAAP for any regulatory purpose (including compliance with applicable securities laws), the company may request that the Board permit the company to file a quarterly estimate of its total consolidated assets. The Board may, in its discretion and subject to Board review and adjustment, permit the company to provide estimated total consolidated assets on a quarterly basis. The company's total assessable assets will be the average of the estimated total consolidated assets provided for the assessment period.

(4) *Nonbank financial companies supervised by the Board.* For a nonbank

and (2) operating expenses for activities integral to carrying out supervisory and regulatory responsibilities such as training staff in the supervisory function, research and analysis functions including library subscription services, collecting and processing regulatory reports filed by supervised institutions, *etc.* All operating expenses include applicable support, overhead, and pension expenses.

[2] The categories of operating expenses that the Board believes are necessary or appropriate include but are not limited to (1) direct operating expenses for supervising and regulating assessed companies such as conducting examinations, conducting stress tests, communicating with the company regarding supervisory matters and laws and regulations, *etc.;* and (2) operating expenses for activities integral to carrying out supervisory and regulatory responsibilities such as training staff in the supervisory function, research and analysis functions including library subscription services, collecting and processing regulatory reports filed by supervised institutions, *etc.* All operating expenses include applicable support, overhead, and pension expenses.

financial company supervised by the Board, if the company is a U.S. company, this amount will be the average of the nonbank financial company's total consolidated assets as reported for the assessment period on such regulatory or other reports as are applicable to the nonbank financial company determined by the Board; if the company is a foreign company, this amount will be the average of the nonbank financial company's total combined assets of U.S. operations, net of intercompany balances and transactions between U.S. domiciled affiliates, branches and agencies, as reported for the assessment period on such regulatory or other reports as determined by the Board as applicable to the nonbank financial company.

§ 246.5 Notice of assessment and appeal.

(a) *Notice of Assessment.* The Board shall issue a notice of assessment to each assessed company no later than June 30 of each calendar year following the assessment period, provided, however, that for the 2012 assessment period, the Board shall issue a notice of assessment as soon as reasonably practical after publication of the final rule in the **Federal Register**.

(b) *Appeal Period.*

(1) Each assessed company will have thirty calendar days from June 30, or, for the 2012 assessment period, thirty calendar days from the Board's issuance of a notice of assessment for that assessment period, to submit a written statement to appeal the Board's determination:

(i) That the company is an assessed company; or

(ii) Of the company's total assessable assets.

(2) The Board will respond with the results of its consideration to an assessed company that has submitted a written appeal within 15 calendar days from the end of the appeal period in paragraph (b)(1) of this section.

§ 246.6 Collection of assessments; payment of interest.

(a) *Collection date.* Each assessed company shall remit to the Federal Reserve the amount of its assessment using the Fedwire Funds Service by September 15 of the calendar year following the assessment period, or, for the 2012 assessment period, by a date specified in the notice of assessment for that assessment period.

(b) *Payment of interest.*

(1) If the Board does not receive the total amount of an assessed company's assessment by the collection date for any reason not attributable to the Board, the assessment will be delinquent and the assessed company shall pay to the Board interest on any sum owed to the Board according to this rule (delinquent payments).

(2) Interest on delinquent payments will be assessed beginning on the first calendar day after the collection date, and on each calendar day thereafter up to and including the day payment is received. Interest will be simple interest, calculated for each day payment is delinquent by multiplying the daily equivalent of the applicable interest rate by the amount delinquent. The rate of interest will be the United States Treasury Department's current value of funds rate (the ''CVFR percentage''); issued under the Treasury Fiscal Requirements Manual and published quarterly in the **Federal Register**. Each delinquent payment will be charged interest based on the CVFR percentage applicable to the quarter in which all or part of the assessment goes unpaid.

By order of the Board of Governors of the Federal Reserve System, August 15, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–20306 Filed 8–22–13; 8:45 am]

BILLING CODE P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 390

Regulations Transferred From the Office of Thrift Supervision

CFR Correction

■ In Title 12 of the Code of Federal Regulations, Parts 300 to 499, revised as of January 1, 2013, in Appendix A to Subpart Z of Part 390, at the bottom of page 1015, reinstate footnotes 10 through 12, and at the bottom of page 1019, reinstate footnotes 28 through 32, to read as follows:

Appendix A to Subpart Z to Part 390—Risk-Based Capital Requirements—Internal-Ratings-Based and Advanced Measurement Approaches

* * * * *

[10] Entities include securities, insurance and other financial subsidiaries, commercial subsidiaries (where permitted), and significant minority equity investments in insurance, financial and commercial entities.

[11] Representing 50 percent of the amount, if any, by which total expected credit losses as calculated within the IRB approach exceed eligible credit reserves, which must be deducted from tier 1 capital.

[12] Including 50 percent of the amount, if any, by which total expected credit losses as calculated within the IRB approach exceed eligible credit reserves, which must be deducted from tier 2 capital.

* * * * *

[28] Net unsecured credit exposure is the credit exposure after considering the benefits from legally enforceable netting agreements and collateral arrangements, without taking into account haircuts for price volatility, liquidity, etc.

[29] This may include interest rate derivative contracts, foreign exchange derivative contracts, equity derivative contracts, credit derivatives, commodity or other derivative contracts, repo-style transactions, and eligible margin loans.

[30] At a minimum, a State savings association must provide the disclosures in Table 11.7 in relation to credit risk mitigation that has been recognized for the purposes of reducing capital requirements under this appendix. Where relevant, State savings associations are encouraged to give further information about mitigants that have not been recognized for that purpose.

[31] Credit derivatives that are treated, for the purposes of this appendix, as synthetic securitization exposures should be excluded from the credit risk mitigation disclosures and included within those relating to securitization.

[32] Counterparty credit risk-related exposures disclosed pursuant to Table 11.6 should be excluded from the credit risk mitigation disclosures in Table 11.7.

* * * * *

[FR Doc. 2013–20707 Filed 8–22–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0335; Directorate Identifier 2012–NM–187–AD; Amendment 39–17549; AD 2013–16–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A330–300, A340–200, and A340–300 series airplanes. This AD was prompted by a determination that ballscrew rupture could occur on certain trimmable horizontal stabilizer actuators (THSAs). This AD requires repetitive THSA ballscrew shaft integrity tests, and replacement if necessary. We are issuing this AD to detect and correct ballscrew rupture, which, along with corrosion on the ballscrew lower splines, may lead to

loss of transmission of THSA torque loads from the ballscrew to the tie-bar and consequent THSA blowback, which could result in loss of control of the airplane.

DATES: This AD becomes effective September 27, 2013.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 27, 2013.

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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

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 May 2, 2013 (78 FR 25664). The NPRM proposed to correct an unsafe condition for the specified products. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2012–0210, dated October 11, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Since the issuance of EASA AD 2012–0061 which addresses the corrosion identified in service on THSA [part number] P/N 47147–500 and P/N 47147–700 at the level of the ballscrew lower splines, further analyses have been conducted to determine the need for any additional action.
>
> The ballscrew lower splines are not loaded in normal operation, only in case of ballscrew rupture. Analysis results have shown that such rupture could happen during the current inspection interval imposed by the Maintenance Review Board Report (MRBR), task 274000–12.
>
> Corrosion on the lower splines, in case of ballscrew rupture, may lead to loss of transmission of THSA torque loads from the ballscrew to the tie-bar and consequent THSA blowback, which could result in loss of control of the aeroplane.
>
> For the reasons described above, this [EASA] AD requires reduction of the check interval of MRBR task 274000–12.

Required actions include repetitive THSA ballscrew shaft integrity tests. Corrective actions include replacement of the THSA. 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 received no comments on the NPRM (78 FR 25664, May 2, 2013) or on the determination of the cost to the public.

Conclusion

We reviewed the available data 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 25664, May 2, 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 25664, May 2, 2013).

Costs of Compliance

We estimate that this AD affects 30 products of U.S. registry. We also estimate that it takes 7 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the AD on U.S. operators to be $17,850, or $595 per product.

In addition, we estimate that any necessary follow-on actions take about 8 work-hours and require parts costing up to $722,556, for a cost of up to $723,236 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 adding the following new AD:

2013–16–11 Airbus: Amendment 39–17549. Docket No. FAA–2013–0335; Directorate Identifier 2012–NM–187–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective September 27, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; and Model A340–211, –212, –213, –311, –312, and –313 airplanes; certificated in any category; all manufacturer serial numbers; if fitted with a trimmable horizontal stabilizer actuator (THSA) having part number (P/N) 47147–500 or P/N 47147–700.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that ballscrew rupture could occur on certain THSAs. We are issuing this AD to detect and correct ballscrew rupture, which, along with corrosion on the ballscrew lower splines, may lead to loss of transmission of THSA torque loads from the ballscrew to the tie-bar and consequent THSA blowback, which could result in loss of control 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) Repetitive Integrity Tests

At the later of the times specified in paragraph (g)(1) or (g)(2) of this AD, as applicable, do a THSA ballscrew shaft integrity test, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–27–3191, dated June 7, 2012; or Airbus Mandatory Service Bulletin A340–27–4186, dated June 7, 2012; as applicable. Repeat the integrity test thereafter at intervals not to exceed 12,000 flight hours or 4,400 flight cycles, whichever occurs first.

(1) At the latest of the times specified in paragraph (g)(1)(i), (g)(1)(ii), or (g)(1)(iii) of this AD.

(i) Within 12,000 flight hours since the airplane's first flight; or

(ii) Within 12,000 flight hours since the most recent THSA ballscrew shaft integrity test was done as specified in maintenance review board report (MRBR) Task 274000–12; or

(iii) Within 12,000 flight hours since the most recent THSA ballscrew shaft integrity test was done, as specified in Airbus Mandatory Service Bulletin A330–27–3179 or Airbus Mandatory Service Bulletin A340–27–4175, as applicable. (These service bulletins specify testing in case of type II or type III findings).

(2) Within 1,000 flight hours after the effective date of this AD, but without exceeding the latest of the times specified in paragraph (g)(2)(i), (g)(2)(ii), or (g)(2)(iii) of this AD.

(i) 16,000 flight hours since the airplane's first flight.

(ii) 16,000 flight hours since the most recent THSA ballscrew shaft integrity test was done, as specified in MRBR task 274000–12.

(iii) 16,000 flight hours since the most recent THSA ballscrew shaft integrity test was done, as specified in Airbus Mandatory Service Bulletin A330–27–3179, or Airbus Mandatory Service Bulletin A340–27–4175, as applicable. (These service bulletins specify testing in case of type II or type III findings).

(h) Replacement

If the result from any test required by paragraph (g) of this AD is not correct, as specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–27–3191, dated June 7, 2012; or Airbus Mandatory Service Bulletin A340–27–4186, dated June 7, 2012; as applicable: Before further flight, replace the THSA with a serviceable THSA, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–27–3191, dated June 7, 2012; or Airbus Mandatory Service Bulletin A340–27–4186, dated June 7, 2012; as applicable. Replacement of a THSA, as required by this paragraph, with a THSA having P/N 47147–500 or P/N 47147–700, is not terminating action for the repetitive tests required by paragraph (g) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(j) Related Information

Refer to Mandatory Continuing Airworthiness Information European Aviation Safety Agency Airworthiness Directive 2012–0210, dated October 11, 2012, for related information, which can be found in the AD docket on the internet at *http://www.regulations.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) Airbus Mandatory Service Bulletin A330–27–3191, dated June 7, 2012.

(ii) Airbus Mandatory Service Bulletin A340–27–4186, dated June 7, 2012.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.*

(4) 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.

(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 August 1, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–19161 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0341; Directorate Identifier 2012–SW–025–AD; Amendment 39–17557; AD 2013–16–19]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model EC120B and EC130B4 helicopters with a certain emergency flotation gear (float) installed. This AD requires inspecting the float for chafing of the fabric covering and adding protectors to the float installation to prevent contact between the float and the protruding

sections of the installation. This AD was prompted by a report of a float that would not inflate during overhaul because one of the float compartments was punctured due to chafing. The actions of this AD are intended to prevent failure of float and subsequent loss of control of the helicopter during an emergency water landing.

DATES: This AD is effective September 27, 2013.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of September 27, 2013.

ADDRESSES: For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

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 foreign authority's AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *gary.b.roach@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On April 15, 2013, at 78 FR 22213, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to Eurocopter Model EC120B helicopters with a left-hand (LH) emergency flotation gear, part number (P/N) 215674–0, 215674–1, or 215674–2 installed, fitted with a float, P/N 215481–0; or with a right-hand (RH) emergency flotation gear, P/N 215675–0, 215675–1, or 215675–2 installed, fitted with a float, P/N 215482–0; and Model EC130B4 helicopters with a LH emergency flotation gear P/N 217227–0 installed, fitted with a float P/N 217174–0; or with a RH emergency flotation gear P/N 217228–0 installed, fitted with a float, P/N 217195–0. The NPRM proposed to require inspecting the float for chafing of the fabric covering and adding protectors to the float installation to prevent contact between the float and the protruding sections of the installation. The proposed requirements were intended to prevent failure of float and subsequent loss of control of the helicopter during an emergency water landing.

The NPRM was prompted by AD No. 2011–0185, dated September 23, 2011 (AD 2011–0185), issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA issued AD 2011–0185 to correct an unsafe condition for Eurocopter Model EC120 and EC130 helicopters. EASA advises that during overhaul of an emergency flotation gear installation, it was impossible to inflate the RH float according to the instructions in the equipment manufacturer's manual. An investigation revealed that one of the compartments in the float was punctured and several areas of the LH and RH floats were damaged, caused by chafing between the float and the protruding sections of the supply bars and banjo unions. To address this potentially unsafe condition, EASA issued AD No. 2009–0190, dated August 26, 2009 (AD 2009–0190), which required repetitive inspections of the floats to detect chafing. Aerazur, the float manufacturer, later developed protectors to be installed on the floats to eliminate interference between the float and the blunt parts of the installation. EASA then issued AD 2011–0185, which superseded AD 2009–0190 and required installation of the protectors on the floats as terminating action for the repetitive inspections.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (78 FR 22213, April 15, 2013).

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed

Related Service Information

Eurocopter has issued Alert Service Bulletin (ASB) No. 05A011, Revision 0, dated June 8, 2009 (ASB 05A011), for Model EC120B helicopters and ASB No. 05A008, Revision 0, dated June 8, 2009 (ASB 05A008), for Model EC130B4 helicopters. Both ASBs specify inspecting the floats for deterioration and chafing at specified intervals and, if necessary, repairing the floats.

Eurocopter has also issued ASB No. EC120–25A026, Revision 0, dated July 11, 2011 (ASB EC120–25A026), for Model EC120B helicopters and ASB No. EC130–25A042, Revision 0, dated July 11, 2011 (ASB EC130–25A042), for Model EC130B4 helicopters. Both ASBs specify modifying certain part-numbered LH and RH emergency flotation gear by adding protectors onto the rear bracket and supply couplings of the float installation. The ASBs specify following procedures in Aerazur Service Bulletin (SB) No. 25–69–87, dated March 14, 2011, for floats installed on Model EC120B helicopters and Aerazur SB No. 25–69–58, dated March 14, 2011, for floats installed on Model EC130B4 helicopters. Each Aerazur SB is incorporated as an appendix to the corresponding Eurocopter ASB.

Costs of Compliance

We estimate that this AD will affect 60 helicopters of U.S. Registry. Based on an average labor rate of $85 per work-hour, we estimate that operators may incur the following costs to comply with this AD. Inspecting the floats for chafing will require about .5 hour, for a cost per helicopter of $43, and a cost to U.S. operators of $2,580. Modifying the floats with protective covers will require about 1 hour and required parts cost about $500, for a cost per helicopter of $585, and a cost to U.S. operators of $35,100. The total estimated cost of this AD is $628 per helicopter and $37,680 for the U.S. operator fleet.

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 helicopters 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 to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

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):

2013–16–19 Eurocopter France: Amendment 39–17557; Docket No. FAA–2013–0341; Directorate Identifier 2012–SW–025–AD.

(a) Applicability

(1) This AD applies to the following helicopters, certificated in any category:

(i) Model EC120B helicopters with a left-hand (LH) emergency flotation gear, part number (P/N) 215674–0, 215674–1, or 215674–2 installed, fitted with a float, P/N 215481–0; or with a right-hand (RH) emergency flotation gear, P/N 215675–0, 215675–1, or 215675–2 installed, fitted with a float, P/N 215482–0; and

(ii) Model EC130B4 helicopters with a LH emergency flotation gear P/N 217227–0 installed, fitted with a float P/N 217174–0; or with a RH emergency flotation gear P/N 217228–0 installed, fitted with a float, P/N 217195–0.

(b) Unsafe Condition

This AD defines the unsafe condition as chafing of the float due to contact with the protruding sections of the supply bars and banjo sections of the emergency flotation gear installation. This condition could result in the float becoming punctured, failure of the float to inflate, and subsequent loss of control of the helicopter during an emergency water landing.

(c) Effective Date

This AD becomes effective September 27, 2013.

(d) Compliance

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

(e) Required Actions

(1) For emergency flotation gear that have accumulated 250 or more hours time-in service (TIS), within 50 hours TIS, accomplish the following:

(i) Undo the Velcro tapes and remove the break laces. Remove the caps from the cover end. Unfold the cover.

(ii) Inspect each float area in contact with the emergency flotation gear protruding parts (supply bar, banjo union, and fittings) for chafing as shown in Figure 1 of Eurocopter Alert Service Bulletin (ASB) No. 05A011, Revision 0, dated June 8, 2009, or Eurocopter ASB No. 05A008, Revision 0, dated June 8, 2009, as appropriate for your model helicopter.

(iii) If there is any chafing between the protruding parts and the float fabric, before further flight, inspect the flotation gear.

(A) Unfold and visually inspect the float assemblies for any cuts, tears, punctures, or abrasion. Replace the cover if the internal polycarbonate sheet is cut or if the cover is cut or punctured.

(B) Lightly inflate the floats to approximately 50 hectopascals through the manual inflating valve and inspect the fabric panels and girts for any cuts, tears, punctures, or abrasion. If there is a cut, tear, puncture, or any abrasion, repair the float.

(2) For emergency floatation gear that have accumulated less than 250 hours TIS, on or before accumulating 300 hours TIS, inspect the float gear as described in paragraph (e)(1)(i) through (iii) of this AD.

(3) Within 300 hours TIS:

(i) For Model EC120B helicopters, install protectors on and re-identify the P/N of each LH and RH emergency floatation gear as described in the Operating Instructions, paragraph 2.C., of Aerazur Service Bulletin (SB) No. 25–69–87, dated March 14, 2011. The Aerazur SB is attached as an appendix to Eurocopter Alert Service Bulletin (ASB) No. EC120–25A026, Revision 0, dated July 11, 2011.

(ii) For Model EC130B4 helicopters, install protectors on and re-identify the P/N of each LH and RH emergency floatation gear as described in the Operating Instructions, paragraph 2., of Aerazur SB No. 25–69–58, dated March 14, 2011. The Aerazur SB is attached as an appendix to Eurocopter ASB No. EC130–25A042, Revision 0, dated July 11, 2011.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

(1) The subject of this AD is addressed in European Aviation Safety Agency AD No. 2011–0185, dated September 23, 2011, which can be found in the AD Docket on the Internet at *http://www.regulations.gov.*

(2) Eurocopter ASB No. EC120–25A026, Revision 0, dated July 11, 2011, and Eurocopter ASB No. EC130–25A042, Revision 0, dated July 11, 2011, which are not incorporated by reference, contain additional information about the subject of this AD. You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 3212: Emergency Flotation Section.

(i) 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) Aerazur SB No. 25–69–58, dated March 14, 2011, which is attached as an appendix to Eurocopter ASB No. EC130–25A042, Revision 0, dated July 11, 2011.

(ii) Aerazur SB No. 25–69–87, dated March 14, 2011, which is attached as an appendix to Eurocopter ASB No. EC120–25A026, Revision 0, dated July 11, 2011.

(iii) Eurocopter ASB No. 05A008, Revision 0, dated June 8, 2009.

(iv) Eurocopter ASB No. 05A011, Revision 0, dated June 8, 2009.

(3) For Eurocopter and Aerazur service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.*

(4) You may view this service information that is incorporated by reference in the AD Docket on the Internet at *http://www.regulations.gov.*

(5) You may also 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 Fort Worth, Texas, on August 2, 2013.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–19438 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0887; Directorate Identifier 2009–SW–02–AD; Amendment 39–17551; AD 2013–16–13]

RIN 2120–AA64

Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (ECD) Model BO–105A, BO–105C, BO–105S, BO–105LS A–1, BO–105LS A–3, MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK–117 B–2, and MBB–BK 117 C–1 helicopters to require inspections for corrosion or thread damage to each tail rotor balance weight (weight) and each tail rotor control lever (lever). This AD was prompted by a European Aviation Safety Agency (EASA) AD and a Transport Canada Civil Aviation (TCCA) AD, both issued based on a report that corrosion was detected on a weight in the area of the attachment thread on a model BO–105 helicopter. The actions of this AD are intended to detect corrosion and thread damage in the threaded area of the weight and lever, and to prevent failure of a weight or lever, separation of tail rotor parts, severe vibration, and subsequent loss of control of the helicopter.

DATES: This AD is effective September 27, 2013.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of September 27, 2013.

ADDRESSES: For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, TX 76137.

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 EASA and TCCA ADs, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

On August 29, 2012, at 77 FR 52265, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to ECD Model BO–105A, BO–105C, BO–105S, BO–105LS A–1, BO–105LS A–3, MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters with certain levers and weights installed. The NPRM proposed to require conducting repetitive visual inspections of each weight and lever and proposed procedures for installing a weight or lever. Additionally, the NPRM proposed allowable tolerances for corrosion or thread damage on the threaded portion of a weight or lever and proposed to require that a part with corrosion or mechanical damage in excess of allowable tolerances be replaced with an airworthy part. The proposed requirements were intended to detect corrosion and thread damage in the threaded area of a weight or lever, to prevent failure of a weight or lever, separation of tail rotor parts, severe vibration, and subsequent loss of control of the helicopter.

The NPRM was prompted by AD No. 2008–0206, dated November 25, 2008, issued by EASA, which is the Technical Agent for the Member States of the European Union, and AD No. CF–2009–12, dated March 24, 2009, issued by the TCCA, which is the aviation authority for Canada. EASA issued AD No. 2008–0206 to correct the unsafe condition for ECD Model BO 105 A, BO 105 C, BO 105 LS A–1, BO 105 D, BO 105 DS, BO 105 DB, BO 105 DBS, BO 105 DB–4, BO 105 DBS–4, BO 105 DBS–5, BO 105 S, MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters. The TCCA issued AD No. CF–2009–12 to correct the unsafe condition for Eurocopter Model BO 105 LS A–3 helicopters. These ADs state that during a periodical inspection, corrosion was detected on the weights in the area of the attachment thread. Since the issuance of the Canadian AD, the type certificate for the Model BO 105 LS A–3 has been transferred from Eurocopter Canada Limited to Eurocopter Deutschland (Germany).

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (77 FR 52265, August 29, 2012).

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to

exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed, except we are updating some of the contact information to obtain service information from American Eurocopter Corporation and we are incorporating the two figures by reference instead of including them in our AD to meet current publication requirements. These minor changes are consistent with the intent of the proposals in the NPRM (77 FR 52265, August 29, 2012) and will not increase the economic burden on any operator nor increase the scope of this AD.

Differences Between This AD and the EASA and TCCA ADs

This AD does not provide an extra 60 flight hours or 6 months beyond the repetitive compliance time of 600 flight hours or 48 months for the repetitive inspections. This AD only applies to those model helicopters type-certificated in the United States.

Related Service Information

Eurocopter issued Alert Service Bulletin (ASB) No. ASB–MBB–BK117–30–113, dated September 23, 2008, for all MBB BK117 model ''A–1 to C–1'' helicopters; ASB No. ASB BO105–30–116, dated September 23, 2008, for all Model BO105 helicopters ''including BO105 CB–3 and BO105 CBS–5 KLH;'' and Eurocopter Canada Limited issued ASB No. ASB BO 105 LS 30–12, dated December 12, 2008, for Model BO 105 LS A–3 helicopters. These ASBs specify visually inspecting the weights and levers to detect corrosion or mechanical damage; corrosion at an advanced stage could destroy the threads. These ASBs also specify replacing damaged weights and levers that exceed certain limits. The actions described in the mandatory EASA and TCCA ADs are intended to correct the unsafe condition, identified in these ASBs, to ensure the continued airworthiness of these helicopters.

Costs of Compliance

We estimate that this AD will affect 33 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. It will take approximately 4 work-hours per helicopter to remove, inspect, and install 2 lever assemblies and 4 weights per helicopter at an average labor rate of $85 per work-hour. Based on these figures, we estimate the inspection cost of this AD will cost $340 per helicopter or $11,220 on U.S. operators per inspection cycle. The required parts will cost about $5,332 per helicopter. We estimate the cost for replacement will be $5,672 per helicopter, assuming both lever assemblies and all 4 weights are replaced.

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 helicopters 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 to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

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):

2013–16–13 Eurocopter Deutschland GmbH (ECD): Amendment 39–17551; Docket No. FAA–2012–0887; Directorate Identifier 2009–SW–02–AD.

(a) Applicability

This AD applies to Model BO–105A, BO–105C, BO–105S, and BO–105LS A–1 helicopters, with a tail rotor control lever (lever), part number (P/N) 105–317231, 105–317365, 105–31736, 105–31767, 105–31728, or 1121–31730, with tail rotor balance weight (weight) P/N 117–31715.01, 117–31715.02, 105–31728.03, 105–31732.07, or 105–31732.08; Model BO–105LS A–3 helicopters, with lever P/N 105–31736 or 105–31767, with weight P/N 117–31715.01, 117–31715.02, B642M1011 201, or 105–317171.10; and Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters, with lever P/N 117–31730, 117–317361, or 105–31736, with weight P/N 117–31714.07, 117–31715.01, 117–31720.01, or 117–31730.02, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as corrosion or thread damage in the threaded area of a lever or weight. This condition could result in failure of a weight or lever, separation of a tail rotor part, severe tail rotor vibration, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective September 27, 2013.

(d) Compliance

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

(e) Required Actions

Within 100 hours time-in-service (TIS) or 2 months, whichever occurs first, and thereafter at intervals not to exceed 600 hours TIS or 48 months, whichever occurs first:

(1) Remove the weights from the lever as depicted in Figure 1 of Eurocopter Alert Service Bulletin (ASB) No. ASB–MBB–BK117–30–113, dated September 23, 2008; ASB No. ASB BO105–30–116, dated September 23, 2008; or ASB No. ASB BO 105 LS 30–12, dated December 12, 2008; as applicable to your model helicopter. Apply marks to the weights before they are removed in order to be able to re-establish the correct assignment and the old installation position towards the lever when the weights are installed.

(2) Visually inspect each weight and lever for corrosion and damage in the threaded areas as depicted in Figure 2 of ASB No. ASB–MBB–BK117–30–113, dated September 23, 2008; ASB No. ASB BO105–30–116, dated September 23, 2008; or ASB No. ASB BO 105 LS 30–12, dated December 12, 2008; as applicable to your model helicopter.

(i) If there is no corrosion or thread damage on either the weight or lever, before further flight, reinstall the weight by following paragraph (e)(3) of this AD.

(ii) If there is corrosion or thread damage on the threaded portion of a weight:

(A) If the total area of corrosion or thread damage, or both, covers less than 25 percent of the length of the threaded area, the weight can be threaded (screwed) onto the lever, and the cylindrical mating surface has no damage, before further flight, remove the corrosion and reinstall the weight by following paragraph (e)(3) of this AD.

(B) If the total area of corrosion or thread damage, or both, covers 25 percent or more of the length of the threaded area, the weight cannot be threaded (screwed) onto the lever, or the cylindrical mating surface has damage, before further flight, replace the weight with an airworthy weight by following paragraph (e)(3) of this AD.

(iii) If there is corrosion or thread damage on the threaded portion of the lever, polish out the corrosion and thread damage using a polishing cloth 600 and:

(A) If the thread depth does not exceed 0.3 millimeter (mm) and the diameter of the lever in the area before the threaded area is not less than 9.95 mm after polish out, before further flight, install airworthy weights to the lever by following paragraph (e)(3) of this AD.

(B) If the thread depth is 0.3 mm or greater or the diameter of the lever in the area before the threaded area is less than 9.95 mm after polish out, before further flight, replace the lever with an airworthy lever.

(3) Apply corrosion preventive paste onto the thread of the lever and install weights to the lever as depicted in Figure 1 of ASB No. ASB–MBB–BK117–30–113, dated September 23, 2008; ASB No. ASB BO105–30–116, dated September 23, 2008; or ASB No. ASB BO 105 LS 30–12, dated December 12, 2008; as applicable to your model helicopter. Ensure during installation of the weights that the weights are correctly assigned and installed to the control lever in accordance with the applied marks.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2008–0206, dated November 25, 2008, and in Transport Canada Civil Aviation (TCCA) AD No. CF–2009–12, dated March 24, 2009. You may view the EASA and the TCCA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2012–0887.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6420, Tail Rotor Head.

(i) 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) Eurocopter Alert Service Bulletin (ASB) No. ASB–MBB–BK117–30–113, dated September 23, 2008.

(ii) Eurocopter ASB No. ASB BO105–30–116, dated September 23, 2008.

(iii) Eurocopter ASB No. ASB BO 105 LS 30–12, dated December 12, 2008.

(3) For Eurocopter service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, TX 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(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 Fort Worth, Texas, on August 2, 2013.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–19442 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0020; Directorate Identifier 2010–SW–107–AD; Amendment 39–17558; AD 2013–16–20]

RIN 2120–AA64

Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for ECD Model MBB–BK 117 C–2 helicopters. This AD requires inspecting the rigging of the power-boosted control system and, if there is a nonparallel gap between the rigging wedges and the inner sleeves, performing a rigging procedure. This AD was prompted by the discovery, during rigging of the main rotor controls, of movement of the longitudinal main rotor actuator piston after shut-down of the external pump drive. Such movement could cause incorrect rigging results. The actions of this AD are intended to prevent incorrect rigging results, which could impair freedom of movement of the upper controls and subsequent reduced control of the helicopter.

DATES: This AD is effective September 27, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of September 27, 2013.

ADDRESSES: For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052, telephone (972) 641–0000 or (800) 232–0323, fax (972) 641–3775, or at *http://www.eurocopter.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

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, any incorporated-by-reference service information, the foreign authority's AD, the economic evaluation, any comments received, and other information. The

street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jim Grigg, Manager, FAA, Rotorcraft Directorate, Safety Management Group, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 222–5110; email *jim.grigg@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On April 22, 2013, at 78 FR 23696, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to Model MBB–BK 117 C–2 helicopters. The NPRM proposed to require inspecting the rigging of the power-boosted control system and, if there is a nonparallel gap between the rigging wedges and the inner sleeves, performing a rigging procedure. The proposed requirements were intended to prevent incorrect rigging results, which could impair freedom of movement of the upper controls and subsequent reduced control of the helicopter.

The NPRM was prompted by AD No. 2010–0248, dated November 26, 2010 (AD 2010–0248), issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA issued AD 2010–0248 to correct an unsafe condition for the ECD Model MBB–BK 117 C–2 helicopter. EASA advises that during rigging of the main rotor controls, it was discovered that the piston of the longitudinal main rotor actuator had moved after shut-down of the external pump drive.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (78 FR 23696, April 22, 2013).

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

We do not require inserting temporary changes into the performance section of the Rotorcraft Flight Manual.

Related Service Information

ECD has issued Alert Service Bulletin ASB MBB BK117 C–2–67A–012, Revision 0, dated September 20, 2010 (ASB). The ASB specifies a one-time verification of the correct adjustment of the rigging of the main rotor controls and provides the corresponding test procedure. The ASB further provides an improved rigging procedure as a temporary revision to the ECD BK117C2 Aircraft Maintenance Manual. EASA classified this ASB as mandatory and issued AD 2010–0248 to ensure the continued airworthiness of these helicopters.

Costs of Compliance

We estimate that this AD will affect 108 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD:

- $680 for 8 work hours per helicopter to inspect the main rotor control rigging at an average labor rate of $85 per work hour;
- No additional costs are associated with rigging adjustment, if necessary; and
- $73,440 for the total cost of the AD on U.S. operators.

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 helicopters 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 to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

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):

2013–16–20 Eurocopter Deutschland GmbH (ECD): Amendment 39–17558; Docket No. FAA–2013–0020; Directorate Identifier 2010–SW–107–AD.

(a) Applicability

This AD applies to Model MBB–BK 117 C–2 helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as movement of the longitudinal main rotor actuator piston after shut-down of the external pump drive, during rigging of the main rotor controls, causing an incorrect rigging result. This condition could impair freedom of movement of the upper controls and subsequently reduce control of the helicopter.

(c) Effective Date

This AD becomes effective September 27, 2013.

(d) Compliance

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

(e) Required Actions

Within 300 hours time-in-service:

(1) Inspect the rigging of the power-boosted control system, referencing Figure 1 of Eurocopter Alert Service Bulletin ASB MBB BK117 C–2–67A–012, Revision 0, dated September 20, 2010 (ASB). Ensure the piston of the longitudinal actuator (right-hand side) is held in the fully extended position and the piston of the lateral actuator (left-hand side) is held in the fully retracted position against the mechanical stop. Also, ensure the gauge block is clamped between the sliding sleeve and the support tube.

(2) Insert the rigging wedges with the 25.4 degree (item 8 of Figure 1 of the ASB) and 19.5 degree (item 7 of Figure 1 of the ASB) markings in the ''A'' side of the guide grooves of the rigging device (item 3 of Figure 1 of the ASB).

(3) If the gap between the rigging wedges (items 7 and 8 of Figure 1 of the ASB) and the inner sleeves (item 9 of Figure 1 of the ASB) is closed, the rigging is correct.

(4) If there is a nonparallel gap between the rigging wedges (items 7 and 8 of Figure 1 of the ASB) and the inner sleeves (item 9 of Figure 1 of the ASB), the rigging is not correct. Perform a rigging procedure.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Jim Grigg, Manager, Rotorcraft Directorate, 2601 Meacham Blvd., Fort Worth, TX 76137, telephone (817) 222–5110, email *Jim.Grigg@faa.gov.*

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

(g) Additional Information

(1) For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052, telephone (972) 641–0000 or (800) 232–0323, fax (972) 641–3775, or at *http://www.eurocopter.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2010–0248, dated November 26, 2010. You may view the EASA AD at *http://www.regulations.gov* in Docket No. FAA–2013–0020.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6710 Main Rotor Control.

(i) 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) Eurocopter Alert Service Bulletin ASB MBB BK117 C–2–67A–012, Revision 0, dated September 20, 2010.

(ii) Reserved.

(3) For Eurocopter service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052, telephone (972) 641–0000 or (800) 232–0323, fax (972) 641–3775, or at *http://www.eurocopter.com/techpub.*

(4) You may view this service information that is incorporated by reference at *http://www.regulations.gov* in Docket No. FAA–2013–0020.

(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 Fort Worth, Texas, on August 2, 2013.

Lance T. Gant,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–19443 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1076; Directorate Identifier 2011–NM–274–AD; Amendment 39–17556; AD 2013–16–18]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A320–214, –232 and –233 airplanes; and Model A321–211, –213, and –231 airplanes. This AD was prompted by a report of a missing fastener between certain stringers of the fuselage frame that connects the frame to a tee. This AD requires an inspection for a missing fastener, and a rototest inspection and a modification or repair of the fuselage frame at the affected area if necessary. We are issuing this AD to detect and correct cracking in the fuselage that could result in reduced structural integrity of the airplane.

DATES: This AD becomes effective September 27, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 27, 2013.

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: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1405; fax (425) 227–1149.

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 October 16, 2012 (77 FR 63270). The NPRM proposed to correct an unsafe condition for the specified products. The European Aviation Safety Agency (EASA), which is the aviation authority for the Member States of the European Community, has issued EASA Airworthiness Directive 2011–0229, dated December 6, 2011 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> During a quality check in production of an A320 family aeroplane, it was discovered that a fastener was missing at [frame] FR 24 between stringer (STRG) 25 and STRG 26 on the right-hand (RH) side. The purpose of the missing fastener, a 4 [millimeter] mm diameter aluminum rivet, Part Number (P/N) ASNA2050DXJ040, is to connect the FR 24 to the FR 24 Tee. The hole where the fastener was missing was not drilled.
>
> Further investigations revealed that the drilling was missing on the milling grid used for frame assembly of a limited group of aeroplanes.
>
> This condition, if not corrected, could impair the structural integrity of the affected aeroplanes.
>
> For the reasons described above, this [EASA] AD requires a special detailed inspection (SDI) [rototest inspection for cracking] of the affected area, and the accomplishment of the associated corrective actions [modification and/or repair].

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 considered the comment received.

Request To Include Latest Revision of Service Information

Airbus requested that we revise the NPRM (77 FR 63270, October 16, 2012) to reflect the latest revision of the service information to add an inspection for a missing fastener that is included in that revised service information. Airbus stated that the rototest inspection is required only when it is confirmed that the fastener is missing.

We agree with the commenter's request. Airbus has issued Airbus Mandatory Service Bulletin A320–53–1247, Revision 01, dated October 15, 2012. That service bulletin was revised to include procedures for a general visual inspection for a missing fastener. For airplanes on which no fastener is missing, the rototest inspection would no longer be necessary. We have changed paragraph (g) of this final rule to provide instructions for accomplishing the general visual inspection, which if accomplished and no fastener is missing, would eliminate the need for the rototest inspection. We have included the repair and modification that were part of paragraph (g) of the NPRM (77 FR 63270, October 16, 2012) as new paragraph (h) of this final rule and changed subsequent identifiers accordingly.

Conclusion

We reviewed the available data, including the comment 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 changes:

- Are consistent with the intent that was proposed in the NPRM (77 FR 63270, October 16, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (77 FR 63270, October 16, 2012).

Costs of Compliance

We estimate that this AD will affect 111 products of U.S. registry. We also estimate that it will take about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $85 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $66,045, or $595 per product.

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

2013–16–18 Airbus: Amendment 39–17556. Docket No. FAA–2012–1076; Directorate Identifier 2011–NM–274–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective September 27, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A320–214, –232, and –233 airplanes; and Model A321–211, –213, and –231 airplanes; certificated in any category; manufacturer serial numbers 4338, 4371, 4374, 4375, 4377, 4381 through 4384 inclusive, 4386, 4387, 4388, 4390 through 4402 inclusive, 4404 through 4409 inclusive, 4411 through 4417 inclusive, 4419, 4420, 4421, 4423, 4424, 4426, 4429 through 4436 inclusive, 4438 through 4443 inclusive, 4445 through 4450 inclusive, 4453, 4454, 4456 through 4469 inclusive, 4471, 4472, 4474 through 4481 inclusive, 4483 through 4498 inclusive, 4500, 4504, 4505, 4506, and 4509.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report of a missing fastener between certain stringers of the fuselage frame that connects the frame to a tee. We are issuing this AD to detect and correct cracking in the fuselage that could result in reduced structural integrity 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) Inspections

Before the accumulation of 24,000 total flight cycles since first flight of the airplane, or within 30 days after the effective date of this AD, whichever occurs later, do the actions specified in paragraph (g)(1) or (g)(2) of this AD.

(1) Do a general visual inspection for a missing fastener between the two fasteners at fuselage frame (FR) 24 between stringer 25 and stringer 26 right-hand side, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–53–1247, Revision 01, dated October 15, 2012.

(i) If the fastener is not missing, no further action is required by paragraph (g) of this AD.

(ii) If the fastener is missing, before further flight, do the actions required by paragraph (g)(2) of this AD.

(2) Do a rototest inspection for cracking of the two adjacent fastener holes at

fuselage FR 24 between stringer 25 and stringer 26 right-hand side, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1247, dated July 15, 2011; or Airbus Mandatory Service Bulletin A320–53–1247, Revision 01, dated October 15, 2012.

(h) Repair

(1) If, during the rototest inspection specified by paragraph (g)(2) of this AD, any crack is found, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent).

(2) If, during the rototest inspection specified by paragraph (g)(2) of this AD, no crack is found, before the accumulation of 24,000 total flight cycles since first flight of the airplane, or within 30 days after the effective date of this AD, whichever occurs later: Modify fuselage FR 24 between stringer 25 and stringer 26 right-hand side, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1247, dated July 15, 2011; or Airbus Mandatory Service Bulletin A320–53–1247, Revision 01, dated October 15, 2012.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1405; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(j) Related Information

Refer to mandatory continuing airworthiness information (MCAI) EASA Airworthiness Directive 2011–0229, dated December 6, 2011, for related information. The MCAI may be viewed on the Internet at *http://ad.easa.europa.eu/ad/2011–0229.* EASA ADs are at *http://ad.easa.europa.eu/.*

(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) Airbus Mandatory Service Bulletin A320–53–1247, Revision 01, dated October 15, 2012.

(ii) Airbus Service Bulletin A320–53–1247, dated July 15, 2011.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(4) 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.

(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 August 2, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–19459 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0092; Directorate Identifier 2012–NM–067–AD; Amendment 39–17560; AD 2013–16–22]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Embraer S.A. Model ERJ 170 and ERJ 190 airplanes. This AD was prompted by reports of chafing between the auxiliary power unit (APU) electronic starter controller (ESC) power cables and the airplane tail cone firewall. This AD requires a detailed inspection for damage to the insulation and inner conductors of the APU ESC power cables, installing a new grommet support in the tail cone firewall, and corrective actions if necessary. We are issuing this AD to detect and correct damage to the APU ESC power cable harness, which if not corrected, could result in reduced structural integrity of the fuselage and empennage in the event of fire penetration through the firewall.

DATES: This AD becomes effective September 27, 2013.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 27, 2013.

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: Cindy Ashforth, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2768; fax (425) 227–1149.

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. That NPRM was published in the **Federal Register** on February 22, 2013 (78 FR

12256). That NPRM proposed to correct an unsafe condition for the specified products. The Agência Nacional de Aviação Civil (ANAC), which is the airworthiness authority for Brazil, has issued Brazilian Airworthiness Directives 2012–03–03 and 2012–03–04, both effective April 13, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> It has been found the occurrences of chafing between the Auxiliary Power Unit (APU) Electronic Starter Controller (ESC) power cables (harness W205) and the airplane tail cone firewall due to the grommet installed in the tail cone firewall moves out of its place. This condition, if not corrected, may result in reduced structural integrity of the fuselage and empennage in an event of fire penetration through the firewall. * * *

The required actions include a detailed inspection for damage to the harness insulation and inner conductors of the APU ESC power cables, installing a new grommet support in the tail cone firewall, and corrective actions if necessary. Corrective actions include repairing the harness W205 insulation or replacing the harness W205 of the APU ESC power cables with a new harness. 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 Add Credit for Actions Accomplished in Accordance With Previous Service Information

Embraer S.A. requested that we revise the NPRM (78 FR 12256, February 22, 2013) to allow credit for work done prior to the effective date of the proposed AD using Embraer Service Bulletin 170–53–0093, dated February 28, 2011; Embraer Service Bulletin 190–53–0054, dated February 28, 2011; or Embraer Service Bulletin 190LIN–53–0059, dated March 29, 2011; which are now all at Revision 01, dated March 16, 2012. Embraer notes that the instructions contained in the original issue of the service information combined with the instructions Embraer has provided to operators on a case-by-case basis are equivalent.

We disagree with the commenter's request because the FAA has no familiarity with the individual repair or replacement instructions provided by Embraer to each operator and cannot evaluate them for equivalence to the instructions in the required service information. The MCAI also does not allow credit for work performed using previous versions of the service information. Operators may apply for an alternative method of compliance (AMOC) for these actions in accordance with the provisions of paragraph (i)(1) of this AD. We have not changed the AD in this regard.

Explanation of Additional Changes Made to This AD

We have revised the wording of paragraph (g) of this AD, which previously required a detailed visual inspection instead of a detailed inspection. We have also added paragraph (h) of this AD, which includes the definition of a detailed inspection.

Conclusion

We reviewed the available data, including the comment 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 12256, February 22, 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 12256, February 22, 2013).

Costs of Compliance

We estimate that this AD will affect 253 products of U.S. registry. We also estimate that it will take about 15 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $322,575, or $1,275 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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 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 adding the following new AD:

2013–16–22 Embraer S.A: Amendment 39–17560. Docket No. FAA–2013–0092; Directorate Identifier 2012–NM–067–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective September 27, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplane models identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Embraer S.A. Model ERJ 170–100 LR, –100 STD, –100 SE., and –100 SU airplanes; and Model ERJ 170–200 LR, –200 SU, and –200 STD airplanes; certificated in any category; as identified in Embraer Service Bulletin 170–53–0093, Revision 01, dated March 16, 2012.

(2) Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 ECJ, and –100 IGW airplanes; and Model ERJ 190–200 STD, –200 LR, and –200 IGW airplanes; certificated in any category; as identified in Embraer Service Bulletin 190–53–0054, Revision 01, dated March 16, 2012; and Embraer Service Bulletin 190LIN–53–0059, Revision 01, dated March 16, 2012.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by reports of chafing between the auxiliary power unit (APU) electronic starter controller (ESC) power cables and the airplane tail cone firewall. We are issuing this AD to detect and correct damage to the APU ESC power cable harness, which could result in reduced structural integrity of the fuselage and empennage in the event of fire penetration through the firewall.

(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) Detailed Inspection, Installation, and Corrective Actions

Within 3,000 flight hours or 18 months after the effective date of this AD, whichever occurs first: Do a detailed inspection for damage to the insulation and inner conductors of the APU ESC power cables (harness W205), in accordance with the Accomplishment Instructions of Embraer Service Bulletin 170–53–0093, Revision 01, dated March 16, 2012 (for Model ERJ 170 airplanes); Embraer Service Bulletin 190–53–0054, Revision 01, dated March 16, 2012 (for Model ERJ 190 airplanes except for Model ERJ 190–100 ECJ airplanes); and Embraer Service Bulletin 190LIN–53–0059, Revision 01, dated March 16, 2012 (for Model ERJ 190–100 ECJ airplanes).

(1) If no damage is found, before further flight, install a new grommet support having part number (P/N) 191–21716–003 in the tail cone firewall, in accordance with the Accomplishment Instructions of Embraer Service Bulletin 170–53–0093, Revision 01, dated March 16, 2012 (for Model ERJ 170 airplanes); Embraer Service Bulletin 190–53–0054, Revision 01, dated March 16, 2012 (for Model ERJ 190 airplanes except for Model ERJ 190–100 ECJ airplanes); or Embraer Service Bulletin 190LIN–53–0059, Revision 01, dated March 16, 2012 (for Model ERJ 190–100 ECJ airplanes).

(2) If any damage is found during any inspection required in paragraph (g) of this AD that affects only the insulation of harness W205 of the APU ESC power cables: Before further flight, repair the insulation and install a new grommet support having P/N 191–21716–003 in the tail cone firewall, in accordance with the Accomplishment Instructions of Embraer Service Bulletin 170–53–0093, Revision 01, dated March 16, 2012 (for Model ERJ 170 airplanes); Embraer Service Bulletin 190–53–0054, Revision 01, dated March 16, 2012 (for Model ERJ 190 airplanes except for Model ERJ 190–100 ECJ airplanes); or Embraer Service Bulletin 190LIN–53–0059, Revision 01, dated March 16, 2012 (for Model ERJ 190–100 ECJ airplanes).

(3) If any damage is found during any inspection required in paragraph (g) of this AD that affects the insulation of harness W205 of the APU ESC power cables and the inner conductors: Before further flight, replace the harness with a new harness and install a new grommet support having P/N 191–21716–003 in the tail cone firewall, in accordance with the Accomplishment Instructions of Embraer Service Bulletin 170–53–0093, Revision 01, dated March 16, 2012 (for Model ERJ 170 airplanes); Embraer Service Bulletin 190–53–0054, Revision 01, dated March 16, 2012 (for Model ERJ 190 airplanes except for Model ERJ 190–100 ECJ airplanes); or Embraer Service Bulletin 190LIN–53–0059, Revision 01, dated March 16, 2012 (for Model ERJ 190–100 ECJ airplanes).

(h) Definition of Detailed Inspection

For the purpose of this AD, a detailed inspection is: An intensive examination of a specific item, installation or assembly to detect damage, failure or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirrors, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate access procedures may be required.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Cindy Ashforth, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: (425) 227–2768; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(j) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian Airworthiness Directives 2012–03–03 and 2012–03–04, both effective April 13, 2012, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.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) Embraer Service Bulletin 170–53–0093, Revision 01, dated March 16, 2012.

(ii) Embraer Service Bulletin 190–53–0054, Revision 01, dated March 16, 2012.

(iii) Embraer Service Bulletin 190LIN–53–0059, Revision 01, dated March 16, 2012.

(3) For service information identified in this AD, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—BRASIL; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* Internet *http://www.flyembraer.com.*

(4) 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.

(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 August 2, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–19463 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0931; Directorate Identifier 2011–NM–128–AD; Amendment 39–17555; AD 2013–16–17]

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, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes. This AD was prompted by a structural re-evaluation by the manufacturer, which identified elements within the wing trailing edge flap area that qualify as structural significant items (SSIs). This AD requires revising the maintenance inspection program to include inspections that will give no less than the required damage tolerance rating (DTR) for certain SSIs, and repairing any cracked structure. We are issuing this AD to detect and correct fatigue cracking of the wing trailing edge structure, which could result in compromised structural integrity of the airplane.

DATES: This AD is effective September 27, 2013.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of September 27, 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 (ACO), 1601 Lind Avenue SW., Renton, Washington 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. That NPRM published in the **Federal Register** on September 6, 2012 (77 FR 54856). That NPRM proposed to require revising the maintenance inspection program to include inspections that will give no less than the required damage tolerance rating for certain SSIs, and repairing cracked structure.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (77 FR 54856, September 6, 2012) and the FAA's response to each comment.

Request To Add Compliance Time Allowance

Boeing requested that we add a compliance time allowance to paragraph (c)(2) of the NPRM (77 FR 54856, September 6, 2012) for the determination of the alternative inspection requirements for each SSI affected by a repair or alteration that prohibits the ability to accomplish the inspections required by paragraph (g) of the NPRM. Boeing requested that we add to paragraph (c) of this AD a compliance period of 12 months and associated language similar to that in paragraph (j) of AD 2008–11–03, Amendment 39–15525 (73 FR 29407, May 21, 2008). Boeing justified its request by stating that the following ADs allow up to 12 months to determine the alternative inspection requirements should a repair or alteration prohibit the required inspection, and that including similar language in the NPRM will assist the operator.

- Paragraph (e) of AD 98–11–03 Rl, Amendment 39–10983 (64 FR 989, January 7, 1999).
- Paragraph (j) of AD 2008–11–03, Amendment 39–15525 (73 FR 29407, May 21, 2008).
- Paragraph (i) of AD 2008–09–13, Amendment 39–15494 (73 FR 24164, May 2, 2008).

We partially agree with the commenter's request. We agree with adding an allowance similar to that requested by the commenter because operators might have existing repairs that affect the ability to accomplish the SSI inspections. We disagree with adding that allowance to paragraph (c)(2) of this AD. That paragraph is an applicability provision. We have added a new paragraph (h) to this AD to address SSIs that have been repaired or altered before the effective date of this AD such that the repair or design change affects the ability to accomplish the actions required by paragraph (g) of this AD. We have reidentified subsequent paragraphs accordingly.

Request To Add Repetitive Inspection Wording

Boeing requested that we revise paragraph (g)(2) of the NPRM (77 FR 54856, September 6, 2012) to add the following wording:

> Repeat the applicable inspection thereafter at the intervals necessary to obtain the required DTR specified in Boeing Document D6–48040–2, Supplemental Structural Inspection Document For Model 727 Airplanes, Appendix A, dated December 2010.

Boeing stated that the NPRM does not address the repetitive inspection requirements after the initial inspections are accomplished. Boeing requested the wording revision in order to maintain consistency with the wording contained in paragraph (i) of AD 2008–11–03, Amendment 39–15525 (73 FR 29407, May 21, 2008); and paragraph (h) of AD 2008–09–13, Amendment 39–15494 (73 FR 24164, May 2, 2008).

We do not agree with the commenter's request because the repetitive inspection and methodology requirements are specified in the DTR forms of Boeing Document D6–48040–2, Supplemental Structural Inspection Document for Model 727 Airplanes, Appendix A, dated December 2010. By

requiring incorporation of inspections into the maintenance program that provide no less than the required DTR, we are ensuring that the appropriate repetitive inspections will be accomplished. We have not changed this final rule in this regard.

Request To Address Transferred Airplanes

Boeing requested that we add a new section to the NPRM (77 FR 54856, September 6, 2012) titled ''Inspection Program for Transferred Airplanes,'' and the associated language similar to that in paragraph (l) of AD 2008–11–03, Amendment 39–15525 (73 FR 29407, May 21, 2008); and paragraph (k) of AD 2008–09–13, Amendment 39–15494 (73 FR 24164, May 2, 2008); in order to maintain consistent language throughout these ADs.

The AD paragraphs referenced by the commenter refer to the establishment of a maintenance program for accomplishing the required inspections before a transferred airplane can be added to an air carrier's operation. We disagree with the commenter's request because this is not necessary. This AD is a threshold-based program for all airplanes referenced in the AD applicability. This AD mandates a maintenance program, and new operators would be required to comply with paragraph (g) of this AD, which requires revising the maintenance program. Operators may request approval of an alternative method of compliance (AMOC) for transferred airplanes under the provisions of paragraph (k) of this AD. 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 (77 FR 54856, September 6, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (77 FR 54856, September 6, 2012).

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 206 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
Revise maintenance program	1 work-hour × $85 per hour = $85	$0	$85	$17,510

Compliance with this AD is a method of compliance with the FAA aging airplane safety final rule (AASFR) (70 FR 5518, February 2, 2005) (*http://www.faa.gov/aircraft/air_cert/design_approvals/transport/Aging_Aircraft/media/AgingAirplaneSafetyFinalRule.pdf*) for certain baseline structure of Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes. The AASFR requires certain operators to incorporate damage tolerance inspections into their maintenance inspection programs. These requirements are described in paragraph (c)(1) of section 121.1109 of the Federal Aviation Regulations (14 CFR 121.1109 (c)(1)) and paragraph (b)(1) of section 129.109 of the Federal Aviation Regulations (14 CFR 129.109(b)(1)). Accomplishment of the actions required by this AD will meet the requirements of these regulations for certain baseline structure. The costs for accomplishing the inspection portion of this AD were accounted for in the regulatory evaluation of the AASFR.

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):

2013–16–17 The Boeing Company: Amendment 39–17555 ; Docket No.

FAA–2012–0931; Directorate Identifier 2011–NM–128–AD.

(a) Effective Date

This AD is effective September 27, 2013.

(b) Affected ADs

None.

(c) Applicability

(1) 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.

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

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a structural re-evaluation by the manufacturer, which identified elements within the wing trailing edge flap area that qualify as structural significant items (SSI). We are issuing this AD to detect and correct fatigue cracking of the wing trailing edge structure, which could result in compromised structural integrity of the airplane.

(f) Compliance

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

(g) Maintenance Program Revision

(1) Before the accumulation of 55,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later: Revise the maintenance program to incorporate inspections that provide no less than the required damage tolerance rating (DTR) for each SSI listed in Boeing Document D6–48040–2, Supplemental Structural Inspection Document For Model 727 Airplanes, Appendix A, dated December 2010. The required DTR value for each SSI is identified in Boeing Document D6–48040–2, Supplemental Structural Inspection Document For Model 727 Airplanes, Appendix A, dated December 2010. The revision to the maintenance inspection program must include and must be implemented in accordance with the procedures in Section 3.0, ''Flap and Support Structure (Flap Structure) SSI Information,'' of Boeing Document D6–48040–2, Supplemental Structural Inspection Document For Model 727 Airplanes, Appendix A, dated December 2010; and in accordance with the procedures in Section 5.0, ''Damage Tolerance Rating (DTR) System Application,'' and Section 6.0, ''SSI Discrepancy Reporting,'' of Boeing Document D6–48040–1, Supplemental Structural Inspection Document (SSID), Volume 1, Revision H, dated June 1994.

(2) The initial compliance time for the inspections is before the accumulation of 55,000 total flight cycles, or within 3,000 flight cycles after 12 months from the effective date of this AD, whichever occurs later.

(h) Actions for SSI Items Repaired or Altered Before the Effective Date of This AD

For any SSI that has been repaired or altered before the effective date of this AD such that the repair or design change affects the ability to accomplish the actions required by paragraph (g) of this AD: Before further flight, obtain FAA approval of an alternate inspection, in accordance with the procedures specified in paragraph (k) of this AD, or do the actions specified in paragraphs (h)(1) and (h)(2) of this AD as an approved method of compliance for the requirements of paragraph (g) of this AD.

(1) At the initial compliance time specified in paragraph (g) of this AD, identify each repair or design change to that SSI.

(2) Within 12 months after the identification of a repair or design change required by paragraph (h)(1) of this AD, assess the damage tolerance characteristics of each SSI affected by each repair or design change to determine the effectiveness of the applicable SSID inspection for that SSI and, if not effective, incorporate a revision into the maintenance inspection program to include a damage-tolerance-based alternative inspection program for each affected SSI. Thereafter, inspect the affected structure in accordance with the alternative inspection program. The inspection method and compliance times (i.e., threshold and repetitive intervals) of the alternative inspection program must be approved in accordance with the procedures specified in paragraph (k) of this AD.

(i) Repair

If any cracked structure is found during any inspection specified in Boeing Document D6–48040–2, Supplemental Structural Inspection Document For Model 727 Airplanes, Appendix A, dated December 2010, before further flight, repair the cracked structure using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(j) No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used other than those specified in Boeing Document D6–48040–2, Supplemental Structural Inspection Document For Model 727 Airplanes, Appendix A, dated December 2010, unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (k) 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 (ACO), 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) Section 5.0, ''Damage Tolerance Rating (DTR) System Application,'' of Boeing Document D6–48040–1, Supplemental Structural Inspection Document for Model 727 Airplanes, Volume 1, Revision H, dated June 1994. The revision date of this document is identified on only the title page of this document.

(ii) Section 6.0, ''SSI Discrepancy Reporting,'' of Boeing Document D6–48040–1, Supplemental Structural Inspection Document for Model 727 Airplanes, Volume 1, Revision H, dated June 1994. The revision date of this document is identified on only the title page of this document.

(iii) Boeing Document D6–48040–2, Supplemental Structural Inspection Document For Model 727 Airplanes, Appendix A, dated December 2010. The date appears only on the title page of this document.

(3) For Boeing 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.*

(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 August 1, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–19460 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0565; Airspace Docket No. 13–AEA–11]

Amendment of Class D and E Airspace; Wrightstown, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends Class D and E Airspace at Wrightstown, NJ, by updating the geographic coordinates and changing the city identifier of McGuire Air Force Base (AFB) to aid in the navigation of our National Airspace System. This action is necessary for the continued safety and management of instrument flight rules (IFR) operations within the Wrightstown, NJ airspace area.

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

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

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class D airspace and E airspace designated as an extension to a Class D surface area at McGuire AFB, Wrightstown, NJ, at the request of FAAs Aeronautical Products. The geographic coordinates of the airport are updated to be in concert with the FAAs aeronautical database and the city designation is changed from Wrightstown McGuire AFB, NJ, to Wrightstown, NJ. Accordingly, since this is an administrative change, and does not affect the boundaries, altitudes, or operating requirements of the airspace, notice and public procedures under 5 U.S.C. 553 (b) are unnecessary.

The Class D and E airspace designations are published in Paragraph 5000 and 6004 respectively of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A. Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace for the Wrightstown, NJ airspace area.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace

* * * * *

AEA NJ D Wrightstown, NJ [Amended]

McGuire AFB, NJ
(Lat. 40°00′56″ N., long. 74°35′30″ W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.5-mile radius of McGuire AFB.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA NJ E4 Wrightstown, NJ [Amended]

McGuire AFB, NJ
(Lat. 40°00′56″ N., long. 74°35′30″ W.)
McGuire VORTAC
(Lat. 40°00′34″ N., long. 74°35′47″ W.)

That airspace extending upward from the surface within 1.8 miles each side of the McGuire VORTAC 350° radial extending from the 4.5-mile radius of McGuire AFB to 6.1 miles north of the VORTAC and within 1.8 miles each side of the McGuire VORTAC 051° radial extending from the 4.5-mile radius of the airport to 6.1 miles northeast of

the VORTAC and within 1.8 miles each side of the McGuire VORTAC 180° radial extending from the 4.5-mile radius of the airport to 5.2 miles south of the VORTAC and within 1.8 miles each side of the McGuire AFB ILS localizer southwest course extending from the 4.5-mile radius of the airport to 7 miles southwest of the localizer.

Issued in College Park, Georgia, on August 16, 2013.

Kip B. Johns,

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

[FR Doc. 2013–20497 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0276; Airspace Docket No. 13–AEA–5]

Amendment of Class E Airspace; Plattsburgh, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Plattsburg, NY, as the Clinton County Airport has closed and controlled airspace removed. New Class E Airspace at Plattsburgh International Airport is created to accommodate standard instrument approach procedures developed at the airport. Airspace reconfiguration is necessary for the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, December 12, 2013. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

On May 7, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to remove controlled airspace at Clinton County Airport, Plattsburgh, NY, due to the airport's closure, and establish Class E airspace at Plattsburgh International Airport, Plattsburgh, NY (78 FR 26557). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface by removing the controlled airspace for Clinton County Airport due to the airport's closure, and creates controlled airspace within a 12.6-mile radius of Plattsburgh International Airport, Plattsburgh, NY. Airspace reconfiguration is necessary for the continued safety and management of IFR operations at the airport.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace for the Plattsburgh, NY, airspace area.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

AEA NY E5 Plattsburgh, NY [Amended]

Plattsburgh International Airport, NY
(Lat. 44°39′03″ N., long. 73°28′05″ W.)

That airspace extending upward from 700 feet above the surface within a 12.6-mile radius of Plattsburgh International Airport.

Issued in College Park, Georgia, on August 16, 2013.

Kip B. Johns,

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

[FR Doc. 2013–20498 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0073; Airspace Docket No. 13–ASO–2]

Amendment of Class E Airspace; Dayton, TN, Establishment of Class E Airspace; Cleveland, TN, and Revocation of Class E Airspace; Bradley Memorial Hospital, Cleveland, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Dayton, TN, as the Hardwick Non-Directional Beacon (NDB) has been decommissioned and new Standard Instrument Approach Procedures (SIAPs) have been developed at Mark Anton Airport. Also, Hardwick Field Airport has closed; therefore, the controlled airspace area is removed. This action also establishes Class E Airspace at Cleveland Regional Jetport, Cleveland, TN, to accommodate area navigation (RNAV) global positioning system (GPS) SIAPs at the airport. Information regarding Bradley Memorial Hospital is added to the Cleveland, TN, airspace description and removed from both the Dayton, TN, regulatory text as well as its listing as Bradley Memorial Hospital, Cleveland, TN, to correct an erroneous reference.

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

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

SUPPLEMENTARY INFORMATION:

History

On May 1, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace at Mark Anton Airport, Dayton, TN, establish Class E airspace at Cleveland Regional Jetport, Cleveland, TN, and remove designation of Class E airspace at Bradley Memorial Hospital, Cleveland, TN, (78 FR 25403). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 9.8-mile radius of Mark Anton Airport, Dayton, TN, to accommodate new standard instrument approach procedures due to the decommissioning of the Hardwick NDB and cancellation of the NDB approach. Additionally, this action establishes Class E airspace 700 feet above the surface within a 7.4 mile radius at Cleveland Regional Jetport, with a segment extending from the 7.4-mile radius to 12-miles southwest of the Jetport, to accommodate RNAV (GPS) standard instrument approach procedures for instrument flight rules (IFR) operations. Also, Hardwick Field Airport has closed, and controlled airspace removed. Information regarding Bradley Memorial Hospital is added to the Cleveland, TN, airspace description and removed from the Dayton, TN, regulatory text as well as its listing as Bradley Memorial Hospital, Cleveland, TN, to correct an erroneous reference. This action enhances the safety and airspace management of IFR operations in the Dayton, TN, and Cleveland, TN, airspace areas.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace in the Dayton, and Cleveland, TN, airspace areas.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO TN E5 Dayton, TN [Amended]

Mark Anton Airport, TN
(Lat. 35°29′10″ N., long. 84°55′52″ W.)
Bledsoe County Hospital, Pikeville, TN, Point in Space Coordinates
(Lat. 35°37′34″ N., long. 85°10′38″ W.)

That airspace extending upward from 700 feet above the surface within a 9.8-mile radius of the Mark Anton Airport, and that airspace within a 6-mile radius of the Point in Space Coordinates (lat. 35°37′34″ N., long 85°10′38″ W.) serving Bledsoe County Hospital, Pikeville, TN.

* * * * *

ASO TN E5 Cleveland, TN [New]

Cleveland Regional Jetport, TN
(Lat. 35°12′41″ N., long. 84°47′59″ W.)
Bradley Memorial Hospital, TN, Point in Space Coordinates
(Lat. 35°10′52″ N., long. 84°52′56″ W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Cleveland Regional Jetport, and within 2-miles each side of the 209° bearing from the airport, extending from the 7.4-mile radius to 12-miles southwest of the airport, and within a 6-mile radius of the Point in Space Coordinates (lat. 35°10′52″ N., long.84°52′56″ W.) serving Bradley Memorial Hospital.

* * * * *

ASO TN E5 Bradley Memorial Hospital, Cleveland, TN [Removed]

Issued in College Park, Georgia, on August 16, 2013.

Kip B. Johns,

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

[FR Doc. 2013–20499 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0002; Airspace Docket No. 12–ASO–46]

Establishment of Class E Airspace; Umatilla, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Umatilla, FL, to accommodate the Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures at Umatilla Municipal Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Effective 0901 UTC, December 12, 2013. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

On June 4, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace at Umatilla, FL (78 FR 33265) Docket No. FAA–2013–0002. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the airport at Umatilla, FL, providing the controlled airspace required to accommodate the new RNAV (GPS) Standard Instrument Approach Procedures developed for Umatilla Municipal Airport. This action is necessary for the safety and management of IFR operations at the airport.

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth

* * * * *

ASO FL E5 Umatilla, FL [New]

Umatilla Municipal Airport, FL
(Lat. 28°55′27″ N., long. 82°39′07″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Umatilla Municipal Airport.

Issued in College Park, Georgia, on August 16, 2013.

Kip B. Johns,

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

[FR Doc. 2013–20512 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

RIN 3038–AD64

Retail Commodity Transactions Under Commodity Exchange Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Interpretation.

SUMMARY: On December 14, 2011, the Commodity Futures Trading Commission (''Commission'' or ''CFTC'') issued in the **Federal Register** an interpretation (''Interpretation'') regarding the meaning of the term ''actual delivery,'' as set forth in the Commodity Exchange Act. The Commission also requested public comment on whether the Interpretation accurately construed the statutory language. In response to the comments received, the Commission has determined to clarify its Interpretation.

DATES: Effective August 23, 2013.

FOR FURTHER INFORMATION CONTACT: Rosemary Hollinger, Regional Counsel, Division of Enforcement, 312–596–0538, *rhollinger@cftc.gov,* or Martin B. White, Assistant General Counsel, Office of the General Counsel, 202–418–5129, *mwhite@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 Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'').[1] Title VII of the Dodd-Frank Act [2] amended the Commodity Exchange Act (''CEA'') [3] to establish a comprehensive new regulatory framework for swaps and security-based swaps. The legislation was enacted to reduce 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 and major swap participants; (2) imposing clearing and trade execution requirements on standardized derivative products; (3) creating robust recordkeeping and real-time reporting regimes; and (4) enhancing the Commission's rulemaking and enforcement authorities with respect to, among others, all registered entities and intermediaries subject to the Commission's oversight.

In addition, section 742(a) of the Dodd-Frank Act amends section 2(c)(2) of the CEA to add a new subparagraph, section 2(c)(2)(D) of the CEA,[4] entitled ''Retail Commodity Transactions.'' New CEA section 2(c)(2)(D) broadly applies to any agreement, contract, or transaction in any commodity that is entered into with, or offered to (even if not entered into with), a non-eligible contract participant or non-eligible commercial entity on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.[5] New CEA section 2(c)(2)(D) further provides that such an agreement, contract, or transaction shall be subject to CEA sections 4(a),[6] 4(b),[7] and 4b [8] as if the agreement, contract, or transaction was a contract of sale of a commodity for future delivery.[9]

New CEA section 2(c)(2)(D) excepts certain transactions from its application. In particular, new CEA section 2(c)(2)(D)(ii)(III)(aa) [10] excepts a contract of sale that results in actual delivery within 28 days or such other longer period as the Commission may determine by rule or regulation based upon the typical commercial practice in cash or spot markets for the commodity involved.[11]

On December 14, 2011, the Commission issued an Interpretation inviting public comment on whether its stated interpretation of the term ''actual delivery,'' as used in new CEA section 2(c)(2)(D)(ii)(III)(aa), accurately construes the statutory language.[12] The Commission received several public comments on the Interpretation. After thoroughly reviewing those comments, the Commission has determined to clarify its Interpretation in response to the comments received.

II. Summary of Comments

A. Comments Generally

The Commission received 13 comments in response to its Interpretation.[13] The comments included 11 comment letters that addressed the Interpretation. These 11 comment letters were submitted by entities representing a broad range of interests, including a self-regulatory organization,[14] precious metals dealers and depository companies,[15] law firms,[16] trade associations comprised of energy producers and suppliers,[17] and electricity and natural gas suppliers.[18]

Of the 11 comment letters addressing the Interpretation, two voiced general support for the Interpretation. For example, NFA stated:

> NFA fully supports the Commission's proposed interpretation of the term [actual delivery] and believes that it is consistent with the statutory language.

The comment letter submitted by DGG expressed its appreciation of the Commission's efforts to ''curtail any fraudulent retail commodity transactions occurring by unscrupulous actors.'' DGG further urged the Commission to consider delivery of precious metals to affiliates of the seller, but not to the seller itself, as constituting actual delivery under new CEA section 2(c)(2)(D)(ii)(III)(aa), stating that ''[w]hile we understand the CFTC's desire to ensure, among other things, that the seller actually has the commodity to deliver, an affiliate of one of the limited types of depositories described in Example 2 [of the Interpretation] are unlikely to be the

[1] *See* Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Public Law 111–203, 124 Stat. 1376 (2010). The text of the Dodd-Frank Act may be accessed at *http://www.cftc.gov/LawRegulation/OTCDERIVATIVES/index.htm.*

[2] Pursuant to section 701 of the Dodd-Frank Act, Title VII may be cited as the ''Wall Street Transparency and Accountability Act of 2010.''

[3] 7 U.S.C. 1 *et seq.*

[4] 7 U.S.C. 2(c)(2)(D).

[5] 7 U.S.C. 2(c)(2)(D)(i).

[6] 7 U.S.C. 6(a) (prohibition against off-exchange contracts of sale of a commodity for future delivery).

[7] 7 U.S.C. 6(b) (regulation of foreign boards of trade with United States participants).

[8] 7 U.S.C. 6b (prohibition against fraud).

[9] 7 U.S.C. 2(c)(2)(D)(iii).

[10] 7 U.S.C. 2(c)(2)(D)(ii)(III)(aa).

[11] The Commission has not adopted any regulations permitting a longer actual delivery period for any commodity pursuant to new CEA section 2(c)(2)(D)(ii)(III)(aa). Accordingly, the 28-day actual delivery period set forth in this provision remains applicable to all commodities.

[12] Retail Commodity Transactions Under Commodity Exchange Act, 76 FR 77670 (Dec. 14, 2011).

[13] The comment file may be accessed at *http://comments.cftc.gov/PublicComments/CommentList.aspx?id=1124.*

[14] National Futures Association (NFA).

[15] Dillon Gage Group (DGG) and Monex Deposit Company and its affiliate (MDC).

[16] J.B. Grossman P.A. (JBG), Greenberg Traurig, LLP (GBT), and Rothgerber Johnson & Lyons LLP (RJL).

[17] National Energy Markets Association (NEM), Retail Energy Supply Association (RESA), and Commercial Energy Working Group (CEWG).

[18] Constellation NewEnergy, Inc., Green Mountain Energy Company, Direct Energy Services, LLC, Exelon Energy Company, Reliant Energy Retail Holdings, LLC, Liberty Power Corporation, and Champion Energy Services, LLC.

seller 'fraudsters' Senator Lincoln had in mind.''

Two of the comment letters submitted by law firms generally did not support the Interpretation. GBT stated that neither the Dodd-Frank Act nor its legislative history indicated Congress's desire to limit the depositories to which actual delivery could be made, and JBG voiced its view that delivery in the context of precious and industrial metals requires only transfer of title to metal, not physical delivery of metal.

The third comment letter submitted by a law firm, RJL, was submitted on behalf of precious metals dealers. RJL requested clarification of when the Commission will consider the 28 days in new CEA section 2(c)(2)(D)(ii)(III)(aa) to begin and urged the Commission to allow for delivery of precious metals to additional depositories beyond those described in the Interpretation. RJL also requested clarification, as did MDC, a retail precious metals dealer, of whether the offset of a precious metals purchase prior to transfer of title to the customer and delivery of the precious metals to a depository within 28 days would cause the original purchase to become a prohibited transaction under new CEA section 2(c)(2)(D).

Finally, four of the comment letters were submitted by energy suppliers or trade associations comprised of energy producers and suppliers, and they generally requested clarification of whether new CEA section 2(c)(2)(D) and/or its exceptions apply to the sale and delivery of physical energy commodities, such as electricity and natural gas, to industrial, commercial, and/or retail customers on a recurring basis. For example, NEMA requested:

> that the Commission clarify that the type of transactions which its retail energy marketer members typically enter into with residential and commercial customers, in which they contract with the customer to provide physical energy supply (electricity or natural gas) for terms that regularly in the course of business contemplate delivery of the physical energy commodity in excess of 28 days, were not intended and should not be interpreted to constitute 'retail commodity transactions' under the Act.

B. Specific Comments

1. Functional Approach and Relevant Factors

Significantly, no commenters criticized, expressed disagreement with, or questioned the underlying foundation for the Commission's approach in determining whether ''actual delivery'' has occurred, as set forth in the Interpretation: ''The determination of whether 'actual delivery' has occurred within the meaning of new CEA section 2(c)(2)(D)(ii)(III)(aa) requires consideration of evidence regarding delivery beyond the four corners of contract documents;'' and ''in determining whether actual delivery has occurred within 28 days, the Commission will employ a functional approach and examine how the agreement, contract, or transaction is marketed, managed, and performed, instead of relying solely on language used by the parties in the agreement, contract, or transaction.'' [19] Further, no comment letters criticized, expressed disagreement with, or questioned the relevant factors the Commission enumerated in the Interpretation: Ownership, possession, title, and physical location of the commodity purchased or sold, both before and after execution of the agreement, contract, or transaction; the nature of the relationship between the buyer, seller, and possessor of the commodity purchased or sold; and the manner in which the purchase or sale is recorded and completed.[20] Accordingly, the Commission will assess whether any given transaction results in actual delivery within the meaning of new CEA section 2(c)(2)(D)(ii)(III)(aa) by employing the functional approach and considering the factors set forth in the Interpretation.

2. When the 28-Day Period Begins

In response to the comment from RJL, the Commission is clarifying when it will consider the 28-day period in new CEA section 2(c)(2)(D)(ii)(III)(aa) to begin. The Commission has determined that the most practical point at which to begin counting the 28 days is the date on which the agreement, contract, or transaction is entered into. This approach is consistent with the functional approach the Commission will take in determining whether actual delivery has occurred, and it should provide industry participants and the public with a readily ascertainable date for determining whether actual delivery has occurred within the meaning of new CEA section 2(c)(2)(D)(ii)(III)(aa).

3. Interpretation Examples

The Interpretation included five examples to illustrate how the Commission would determine whether actual delivery has occurred within the meaning of new CEA section 2(c)(2)(D)(ii)(III)(aa), and several comment letters urged the Commission to allow for delivery of commodities to depositories beyond those described in Example 2 or expressed disagreement with any limitation imposed on acceptable depositories or the precise form of delivery. The Commission has considered these comments and has determined to clarify the intent behind these examples.

The examples are non-exclusive and are included to provide the public with guidance on how the Commission will apply the relevant factors enumerated in the Interpretation in making its determination of whether actual delivery has occurred within the meaning of new CEA section 2(c)(2)(D)(ii)(III)(aa). Examples 1 and 2 do not encompass all scenarios in which the Commission may determine that actual delivery has occurred, nor do Examples 3, 4, and 5 encompass all scenarios in which the Commission may determine that actual delivery has not occurred. Specifically, with regard to Example 2, the Commission may determine that actual delivery has occurred if a commodity is delivered to an affiliate of the seller or is already physically located at a depository, so long as the commodity is otherwise delivered in accordance with the methods described in Example 2, if a careful consideration of the other relevant factors enumerated in the Interpretation demonstrates that the purported delivery is not simply a sham and that actual delivery has occurred within the meaning of new CEA section 2(c)(2)(D)(ii)(III)(aa). Conversely, the Commission may determine that actual delivery has not occurred if a commodity is purportedly delivered to an affiliate of the seller, but the Commission is unable to obtain sufficient assurances within a reasonable period of time that the purported delivery is not simply a sham.

4. Offsetting of Transactions

Two commenters, in response to Example 5 of the Interpretation, requested clarification of whether the offset of a precious metals purchase prior to transfer of title to the customer and delivery of the precious metals to a depository within 28 days would cause the original purchase to become a prohibited transaction under new CEA section 2(c)(2)(D). After careful consideration of this comment, the Commission has determined that Example 5 accurately illustrates the Commission's views of whether actual delivery will have occurred under the circumstances described in Example 5. However, the Commission recognizes that a customer may request to cancel a purchase of a commodity prior to actual delivery of the commodity within 28 days due to extraordinary market

[19] 76 FR 77670, 77672 (Dec. 14, 2011).

[20] *Id.*

circumstances. Accordingly, the Commission will not prosecute a seller for permitting such a cancellation, provided that the seller does so only on limited occasions and at the customer's request, and further provided that the customer does not enter into a subsequent transaction within three business days of such cancellation.

5. Energy Producers and Suppliers

Four comment letters requested clarification of whether new CEA section 2(c)(2)(D) and/or any of its exceptions apply to the sale and delivery of physical energy commodities to industrial, commercial, and/or retail customers on a recurring basis. Specifically, under the scenario described in these comment letters, energy firms enter into fixed price contracts with customers to supply electricity or natural gas to the customer's residence or business for a period of one or more years. The customer consumes the electricity or natural gas and subsequently pays for that usage, along with all applicable taxes, on a periodic basis. The Commission is not of the view that new CEA section 2(c)(2)(D) applies to this scenario, particularly in light of the fact that the customer regularly receives delivery of and consumes the physical energy commodity over the term of the contract and periodically pays for that usage.

III. Commission Interpretation of ''Actual Delivery''

In consideration of the foregoing, the Commission issues the following interpretation to inform the public of the Commission's views as to the meaning of the term ''actual delivery'' as used in new CEA section 2(c)(2)(D)(ii)(III)(aa) and to provide the public with guidance on how the Commission intends to assess whether any given transaction results in actual delivery within the meaning of the statute. This interpretation does not address the meaning or scope of new CEA section 2(c)(2)(D)(ii)(III)(bb) [21] or any exception to new CEA section 2(c)(2)(D) other than new CEA section 2(c)(2)(D)(ii)(III)(aa). Similarly, this interpretation does not address the meaning or scope of contracts of sale of a commodity for future delivery, the forward contract exclusion from the term ''future delivery'' set forth in CEA section 1a(27),[22] or the forward contract exclusion from the term ''swap'' set forth in CEA section 1a(47)(B)(ii).[23] Nor does this interpretation alter any statutory interpretation or statement of Commission policy relating to the forward contract exclusion.[24]

In the view of the Commission, the determination of whether ''actual delivery'' has occurred within the meaning of new CEA section 2(c)(2)(D)(ii)(III)(aa) requires consideration of evidence regarding delivery beyond the four corners of contract documents. This interpretation of the statutory language is based on Congress's use of the word ''actual'' to modify ''delivery'' and on the legislative history of new CEA section 2(c)(2)(D)(ii)(III)(aa) described above. Consistent with this interpretation of the statutory language, in determining whether actual delivery has occurred within 28 days of the date the agreement, contract, or transaction is entered into, the Commission will employ a functional approach and examine how the agreement, contract, or transaction is marketed, managed, and performed, instead of relying solely on language used by the parties in the agreement, contract, or transaction. This approach best accomplishes Congress's intent when it enacted section 742(a) of the Dodd-Frank Act and gives full meaning to Congress's term ''actual delivery.''

Relevant factors in this determination include the following: Ownership, possession, title, and physical location of the commodity purchased or sold, both before and after execution of the agreement, contract, or transaction, including all related documentation; the nature of the relationship between the buyer, seller, and possessor of the commodity purchased or sold; and the manner in which the purchase or sale is recorded and completed. The Commission provides the following non-exclusive examples to illustrate how it will determine whether actual delivery has occurred within the meaning of new CEA section 2(c)(2)(D)(ii)(III)(aa). The Commission may also determine that actual delivery has occurred in circumstances beyond those described in the first two examples if it can readily determine within a reasonable period of time that the purported delivery is not simply a sham and that actual delivery has occurred within 28 days within the meaning of new CEA section 2(c)(2)(D)(ii)(III)(aa).

Example 1: Actual delivery will have occurred if, within 28 days, the seller has: (1) Physically delivered the entire quantity of the commodity purchased by the buyer, including any portion of the purchase made using leverage, margin, or financing, into the possession of the buyer; and (2) has transferred title to that quantity of the commodity to the buyer.

Example 2: Actual delivery will have occurred if, within 28 days, the seller has: (1) Physically delivered the entire quantity of the commodity purchased by the buyer, including any portion of the purchase made using leverage, margin, or financing, whether in specifically segregated or fungible bulk form, into the possession of a depository other than the seller and its parent company, partners, agents, and other affiliates, that is: (a) A financial institution as defined by the CEA; (b) a depository, the warrants or warehouse receipts of which are recognized for delivery purposes for any commodity on a contract market designated by the Commission; or (c) a storage facility licensed or regulated by the United States or any United States agency; and (2) has transferred title to that quantity of the commodity to the buyer.[25]

Example 3: Actual delivery will *not* have occurred if, within 28 days, a book entry is made by the seller purporting to show that delivery of the commodity has been made to the buyer and/or that a sale of a commodity has subsequently been covered or hedged by the seller through a third party contract or account, but the seller has not, in accordance with the methods described in Example 1 or 2, physically delivered the entire quantity of the commodity purchased by the buyer, including any portion of the purchase made using leverage, margin, or financing, and transferred title to that quantity of the commodity to the buyer, regardless of whether the agreement, contract, or transaction between the buyer and seller purports to create an enforceable obligation on the part of the seller, or a parent company, partner, agent, or other affiliate of the seller, to deliver the commodity to the buyer.

Example 4: Actual delivery will *not* have occurred if, within 28 days, the seller has purported to physically deliver the entire quantity of the commodity purchased by the buyer, including any portion of the purchase made using leverage, margin, or financing, in accordance with the method described in Example 2, and transfer title to that quantity of the commodity to the buyer, but the title document fails to identify the specific financial institution, depository, or storage facility with possession of the commodity, the quality specifications of the commodity, the identity of the party transferring title to

[21] 7 U.S.C. 2(c)(2)(D)(ii)(III)(bb).

[22] 7 U.S.C. 1a(27).

[23] 7 U.S.C. 1a(47)(B)(ii).

[24] *See, e.g.,* Statutory Interpretation Concerning Forward Transactions, 55 FR 39188 (Sept. 25, 1990) (''Brent Interpretation'').

[25] Based on Examples 1 and 2, an agreement, contract, or transaction that results in ''physical delivery'' within the meaning of section 1.04(a)(2)(i)–(iii) of the Model State Commodity Code would ordinarily result in ''actual delivery'' under new CEA section 2(c)(2)(D)(ii)(III)(aa), absent other evidence indicating that the purported delivery is a sham. *See* Model State Commodity Code § 1.04(a)(2)(i)–(iii), Comm. Fut. L. Rep. Archive (CCH) ¶ 22,568 (Apr. 5, 1985). Conversely, an agreement, contract, or transaction that does not result in ''physical delivery'' within the meaning of section 1.04(a)(2)(i)–(iii) of the Model State Commodity Code is highly unlikely to result in ''actual delivery'' under new CEA section 2(c)(2)(D)(ii)(III)(aa).

the commodity to the buyer, and the segregation or allocation status of the commodity.

Example 5: Actual delivery will *not* have occurred if, within 28 days, an agreement, contract, or transaction for the purchase or sale of a commodity is rolled, offset, or otherwise netted with another transaction or settled in cash between the buyer and the seller, but the seller has not, in accordance with the methods described in Example 1 or 2, physically delivered the entire quantity of the commodity purchased by the buyer, including any portion of the purchase made using leverage, margin, or financing, and transferred title to that quantity of the commodity to the buyer, regardless of whether the agreement, contract, or transaction between the buyer and seller purports to create an enforceable obligation on the part of the seller, or a parent company, partner, agent, or other affiliate of the seller, to deliver the commodity to the buyer.

Issued in Washington, DC, on August 20, 2013, by the Commission.

Christopher J. Kirkpatrick,

Deputy Secretary of the Commission.

Appendix to Retail Commodity Transactions Under Commodity Exchange Act—Commission Voting Summary

On this matter, Chairman Gensler and Commissioners Chilton, O'Malia, and Wetjen voted in the affirmative. No Commissioners voted in the negative.

[FR Doc. 2013–20617 Filed 8–22–13; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

Indirect Food Additives: Adhesives and Components of Coatings

CFR Correction

In Title 21 of the Code of Federal Regulations, Parts 170 to 199, revised as of April 1, 2013, on page 196, in § 175.320, in paragraph (c), in the first sentence, revise ''tables 1 and 2 of § 176.17(c)'' to read ''tables 1 and 2 of § 176.170(c)''.

[FR Doc. 2013–20702 Filed 8–22–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, and 558

[Docket No. FDA–2013–N–0839]

New Animal Drugs; Withdrawal of Approval of New Animal Drug Applications; Diethylcarbamazine; Nicarbazin; Penicillin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the withdrawal of approval of three new animal drug applications (NADAs) at the sponsors' request because the products are no longer manufactured or marketed.

DATES: This rule is effective September 3, 2013.

FOR FURTHER INFORMATION CONTACT: David Alterman, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6843, email: *david.alterman@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Phibro Animal Health Corp., 65 Challenger Rd., 3d Floor, Ridgefield Park, NJ 07660 has requested that FDA withdraw approval of NADA 098–371 for use of nicarbazin, penicillin, and roxarsone in 3-way, combination drug Type C medicated feeds for broiler chickens and NADA 098–374 for use of nicarbazin and penicillin in 2-way, combination drug Type C medicated feeds for broiler chickens because the products are no longer manufactured or marketed. Accordingly, 21 CFR 558.366 and 558.460 are being amended to reflect the withdrawal of approval.

R. P. Scherer North America, P.O. Box 5600, Clearwater, FL 33518 has requested that FDA withdraw approval of NADA 123–116 for Diethylcarbamazine Citrate Capsules used in dogs for the prevention of heartworm disease because the product is no longer manufactured or marketed. Accordingly, 21 CFR 520.622d is being amended to reflect the withdrawal of approval.

Following this withdrawal of approval, R. P. Scherer North America is no longer the sponsor of an approved application. Accordingly, 21 CFR 510.600(c) is being amended to remove the entries for these firms.

Elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of NADA 098–371, NADA 098–374, and NADA 123–116, and all supplements and amendments thereto, is withdrawn. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect these voluntary withdrawals of approval.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

§ 510.600 [Amended]

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entry for ''R. P. Scherer North America''; and in the table in paragraph (c)(2), remove the entry for ''011014''.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.622d [Removed]

■ 4. Remove § 520.622d.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 5. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.366 [Amended]

■ 6. In § 558.366, in the table in paragraph (d), in the entry for ''90.8 to 181.6 (0.01 to 0.02 pct)'', remove the

entries for ''Penicillin 2.4 to 50'' and ''Penicillin 2.4 to 50 and roxarsone 22.7 to 45.4''.

§ 558.460 [Amended]

■ 7. In § 558.460, remove and reserve paragraph (d)(2)(iv).

Dated: August 19, 2013.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2013–20540 Filed 8–22–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 558

[Docket No. FDA–2013–N–0002]

Withdrawal of Approval of New Animal Drug Applications; Quali-Tech Products, Inc.; Bambermycins; Pyrantel; Tylosin; Virginiamycin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the withdrawal of approval of four new animal drug applications (NADAs), held by Quali-Tech Products, Inc., at the sponsor's request because the products are no longer manufactured or marketed.

DATES: The rule is effective September 3, 2013.

FOR FURTHER INFORMATION CONTACT: David Alterman, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6843, *david.alterman@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Quali-Tech Products, Inc., has requested that FDA withdraw approval of the following four NADAs because the products, used to manufacture Type C medicated feeds, are no longer manufactured or marketed: NADA 097–980 for Quali-Tech TYLAN–10 (tylosin phosphate) Premix, NADA 118–815 for Q.T. BAN–TECH (pyrantel tartrate), NADA 132–705 for FLAVOMYCIN (bambermycins), and NADA 133–335 for STAFAC (virginiamycin) Swine Pak 10.

Elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of NADAs 097–980, 118–815, 132–705, and 133–335, and all supplements and amendments thereto, is withdrawn. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect these voluntary withdrawals of approval.

Following these withdrawals of approval, Quali-Tech Products, Inc., will no longer be the sponsor of an approved application. Accordingly, 21 CFR 510.600(c) is being amended to remove the entries for this firm.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

§ 510.600 [Amended]

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entry for ''Quali-Tech Products, Inc.''; and in the table in paragraph (c)(2), remove the entry for ''016968''.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 3. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

■ 4. In § 558.95, revise paragraphs (a), (d)(1), (d)(2), (d)(3), (d)(4)(i), and (d)(4)(ii) to read as follows:

§ 558.95 Bambermycins.

(a) *Approvals.* See sponsors in § 510.600(c) of this chapter for use of Type A medicated articles as in paragraph (d) of this section:

(1) No. 016592: 2, 4, and 10 grams per pound for use as in paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) of this section.

(2) Nos. 012286 and 017790: 2 grams for use as in paragraph (d)(2) of this section and 0.4 and 2 grams per pound for use as in paragraph (d)(3).

* * * * *

(d) * * *

(1) *Chickens.* Use in medicated feed as follows:

Bambermycins in grams/ton	Indications for use	Limitations	Sponsor
(i) 1 to 2	Broiler chickens: For increased rate of weight gain and improved feed efficiency.	Feed continuously as the sole ration	016592.
(ii) [Reserved].			

(2) *Turkeys.* Use in medicated feed as follows:

Bambermycins in grams/ton	Indications for use	Limitations	Sponsor
(i) 1 to 2	Growing turkeys: For improved feed efficiency	Feed continuously as the sole ration	012286, 016592, 017790.
(ii) 2	Growing turkeys: For increased rate of weight gain and improved feed efficiency.	Feed continuously as the sole ration	012286, 016592, 017790.

(3) *Swine.* Use in medicated feed as follows:

Bambermycins in grams/ton	Indications for use	Limitations	Sponsor
(i) 2	Growing-finishing swine: For increased rate of weight gain and improved feed efficiency.	Feed continuously as the sole ration	012286, 016592, 017790.
(ii) 2 to 4	Growing-finishing swine: For increased rate of weight.	Feed continuously as the sole ration	012286, 016592, 017790.

(4) *Cattle.* Use in medicated feed as follows:

Bambermycins in grams/ton	Indications for use	Limitations	Sponsor
(i) 1 to 4	Cattle fed in confinement for slaughter: For increased rate of weight gain and improved feed efficiency.	Feed continuously at a rate of 10 to 20 milligrams per head per day.	016592.
(ii) 2 to 40	Pasture cattle (slaughter, stocker, and feeder cattle, and dairy and beef replacement heifers): For increased rate of weight gain.	Feed continuously at a rate of 10 to 40 milligrams per head per day in at least 1 pound and not more than 10 pounds of feed. Daily bambermycins intakes in excess of 20 mg/head/day have not been shown to be more effective than 20 mg/head/day.	016592.

* * * * *

§ 558.485 [Amended]

■ 5. In paragraph (b)(3) of § 558.485, remove ''Nos. 016968, and 017790'' and in its place add ''No. 017790''.

§ 558.625 [Amended]

■ 6. In § 558.625, remove and reserve paragraph (b)(14).

§ 558.635 [Amended]

■ 7. In paragraph (a)(2) of § 558.635, remove ''046573, 016968, and 017790'' and in its place add ''046573 and 017790''.

Dated: August 20, 2013.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2013–20616 Filed 8–22–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Part 1218

[Docket No. ONRR–2013–0001; DS63610300 DR2PS0000.CH7000 134D0102R2]

RIN 1012–AA14

Amendments to ONRR's Service of Official Correspondence

AGENCY: Office of the Secretary, Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Direct final rule.

SUMMARY: This rule will update the Service of Official Correspondence regulations in title 30 of the *Code of Federal Regulations* (CFR) to allow ONRR to serve official correspondence using any electronic method of delivery that provides for a receipt of delivery, or, if there is no receipt, the date of delivery otherwise documented.

DATES: This rule becomes effective on October 22, 2013 unless adverse comment is received by September 23, 2013. If adverse comment is received, ONRR will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments on the rulemaking by any of the following methods. Please use the Regulation Identifier Number (RIN) ''1012–AA14'' as an identifier in your comment. See also Public Availability of Comments under Procedural Matters.

- Electronically, go to *http://www.regulations.gov*. In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2013–0001'' 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 61030A, Denver, CO 80225.
- Hand-carry comments, or use an overnight courier service, ONRR. Our courier address is 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 Tim Calahan, Supervisor, ONRR, telephone (303) 231–3036, or email *Timothy.Calahan@onrr.gov* . For a paper copy of this rule, contact Armand Southall, Regulatory Specialist, ONRR, telephone (303) 231–3221; or email *Armand.Southall@onrr.gov*. The authors of this direct final rule are Sarah Inderbitzin and Timothy Calahan.

SUPPLEMENTARY INFORMATION:

I. Background

On August 31, 2006, the Mineral Management Service (MMS) established 30 CFR part 218, subpart H—Service of Official Correspondence. 71 FR 51749 (August 31, 2006). On September 30, 2010, by Secretarial Order No. 3306, the Secretary of the Department of the Interior transferred the royalty management functions of the Minerals Revenue Management, former arm of MMS, to the Office of Natural Resources Revenue (ONRR). As part of that reorganization, ONRR recodified the former 30 CFR part 218, subpart H, of chapter II to a new chapter XII in 30 CFR as part 1218, without substantive change. 75 FR 61051 (Oct. 4, 2010). Section 1218.540(a) deals specifically with methods of service of official correspondence on companies and reporting entities.

II. Explanation of Amendments

This direct final rule adds a new paragraph (4) to 30 CFR 1218.540(a) updating the Service of Official Correspondence regulations to allow ONRR to serve official correspondence using any electronic method of delivery

that provides for a receipt of delivery, or, if there is no receipt, the date of delivery otherwise documented. ONRR will use electronic methods, such as ''MessageWay,'' that assure the information transmitted is encrypted and secure. ONRR also will make a necessary corresponding change to 30 CFR 1218.540(d) regarding constructive service.

ONRR does not make any substantive changes in this direct final rule to the regulations or requirements in 30 CFR 1218.540(a) or (d). It simply updates procedures for ONRR's service of official correspondence and revises existing ONRR procedures to conform to those changes. We also merely make any necessary corresponding technical corrections. ONRR already has the email addresses of the employees and agents designated as points of contact by each company and reporting entity from Forms ONRR–4444, so this regulation can be implemented quickly and with minimal effort. The greater speed and ease with which official correspondence can be sent electronically, coupled with the reduced cost of postage, means that this rule will increase efficiency.

This is a direct final rulemaking with request for comments. We have provided a 30-day comment period for this direct final rule. We believe that 30 days is sufficient time for comments because this rulemaking is noncontroversial. If we receive no significant adverse comment during the 30-day comment period, this rule will go into effect 30 days after the end of the comment period. However, if ONRR receives a significant adverse comment, we will withdraw the rule by publishing a notice of withdrawal in the **Federal Register** within 30 days after the public comment period closes and will publish a notice of proposed rulemaking. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach or would be ineffective and unacceptable without a change.

III. Procedural Matters

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) 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. E.O. 13563 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 agencies must base regulations 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.

Regulatory Flexibility Act

DOI certifies that this direct final rule does 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 direct final rule will impact large and small entities but will not have a significant economic effect on either because this is a technical rule updating the Service of Official Correspondence regulations to allow for service using any electronic method of delivery that provides for a receipt of delivery, or, if there is no receipt, the date of delivery otherwise documented.

Small Business Regulatory Enforcement Fairness Act

This direct final rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This direct final rule:

a. Does not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does 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.

This is only a technical rule updating the Service of Official Correspondence regulations to allow for service using any electronic method of delivery that provides for a receipt of delivery, or, if there is no receipt, the date of delivery otherwise documented.

Unfunded Mandates Reform Act

This direct final rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. This direct final rule does not have a significant or unique effect on State, local, or tribal governments, or the private sector. We are not required to provide a statement containing the information that the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) requires because this is a technical rule updating the Service of Official Correspondence regulations to allow for service using any electronic method of delivery that provides for a receipt of delivery, or, if there is no receipt, the date of delivery otherwise documented.

Takings (E.O. 12630)

Under the criteria in section 2 of Executive Order 12630, this direct final rule does not have any significant takings implications. This direct final rule applies to Outer Continental Shelf (OCS), Federal onshore, and Indian onshore leases. It does not apply to private property. This direct final rule does not require a Takings Implication Assessment.

Federalism (E.O. 13132)

Under the criteria in section 1 of Executive Order 13132, this direct final rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This is a technical rule updating the Service of Official Correspondence regulations to allow for service using any electronic method of delivery that provides for a receipt of delivery, or, if there is no receipt, the date of delivery otherwise documented.

Civil Justice Reform (E.O. 12988)

This direct final rule complies with the requirements of E. O. 12988, for the reasons outlined in the following paragraphs.

a. This rule meets the criteria of section 3(a), which requires that we review all regulations to eliminate errors and ambiguity and write them to minimize litigation.

b. This rule meets the criteria of section 3(b)(2), which requires that we write all regulations in clear language with clear legal standards.

Consultation With Indian Tribes (E.O. 13175 and Department Policy)

DOI 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 DOI's consultation policy and the criteria in E.O. 13175, we have evaluated this direct final rule and determined that it has no substantial direct effects on federally recognized Indian tribes. Therefore, we are not

required to complete a consultation under DOI's tribal consultation policy.

Paperwork Reduction Act

This direct final rule does not contain any information collection requirements, and does not require a submission to OIRA under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. We are not required to provide a detailed statement under the National Environmental Policy Act of 1969 (NEPA) because this rule qualifies for categorical exclusion under 43 CFR 46.210(i) and the DOI Departmental Manual, part 516, section 15.4.D: ''(i) Policies, directives, regulations, and guidelines: That are of an administrative, financial, legal, technical, or procedural nature.'' We have also determined that this rule is not involved in 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. This rule will not alter in any material way natural resource exploration, production, or transportation.

Information Quality Act

In accordance with the Information Quality Act, DOI has issued guidance regarding the quality of information that it relies on for regulatory decisions. This guidance is available on DOI's Web site at *http://www.doi.gov/ocio/information_management/iq.cfm.*

Effects on the Energy Supply (E.O. 13211)

This direct final rule is not a significant energy action under the definition in E.O. 13211, and therefore, does not require a Statement of Energy Effects.

List of Subjects in 30 CFR Part 1218

Continental shelf, Electronic funds transfers, Geothermal energy, Indians—lands, Mineral royalties, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements, Service of official correspondence.

Dated: August 15, 2013.

Rhea Suh,

Assistant Secretary, Policy, Management and Budget.

Authority and Issuance

For the reasons discussed in the preamble, under the authority provided by the Reorganization Plan No. 3 of 1950 (64 Stat. 1262) and Secretarial Order No. 3306, ONRR amends part 1218 of title 30 CFR, chapter XII, subchapter A, as follows:

PART 1218—COLLECTION OF ROYALTIES, RENTALS, BONUSES, AND OTHER MONIES DUE THE FEDERAL GOVERNMENT

■ 1. The authority citation for part 1218 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. 3335; 43 U.S.C. 1301 *et seq.,* 1331 *et seq.,* and 1801 *et seq.*

■ 2. Amend § 1218.540 to revise paragraphs (a) and (d) to read as follows:

§ 1218.540 How does ONRR serve official correspondence?

* * * * *

(a) *Method of service.* ONRR will serve all official correspondence to the addressee of record by one of the following methods:

(1) U.S. Postal Service mail;

(2) Personal delivery made pursuant to the law of the State in which the service is effected;

(3) Private mailing service (e.g., United Parcel Service, or Federal Express), with signature and date upon delivery, acknowledging the addressee of record's receipt of the official correspondence document; or

(4) Any electronic method of delivery that keeps information secure and provides for a receipt of delivery or, if there is no receipt, the date of delivery otherwise documented.

* * * * *

(d) *Constructive service.* If we cannot make delivery to the addressee of record after making a reasonable effort, we deem official correspondence as constructively served 7 days after the date that we mail or electronically transmit the document. This provision covers situations such as those where no delivery occurs because:

(1) The addressee of record has moved without filing a forwarding address or updating its Form ONRR–4444 as required under paragraph (b) of this section;

(2) The forwarding order has expired;

(3) The addressee of record has changed its email address without updating its Form ONRR–4444 as required under paragraph (b) of this section;

(4) Delivery was expressly refused; or

(5) The document was unclaimed and the attempt to deliver is substantiated by either:

(i) The U.S. Postal Service;

(ii) A private mailing service, as described in this section;

(iii) The person who attempted to make delivery using some other method of service; or

(iv) A receipt or other documentation that ONRR attempted electronic service.

[FR Doc. 2013–20634 Filed 8–22–13; 8:45 am]

BILLING CODE 4310–T2–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 13–140; MD Docket No. 12–201; MD Docket No. 08–65; FCC 13–110]

Assessment and Collection of Regulatory Fees for Fiscal Year 2013

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission revises its Schedule of Regulatory Fees to recover an amount of $339,844,000 that Congress has required the Commission to collect for fiscal year 2013. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory fees under sections 9(b)(2) and 9(b)(3), respectively, for annual ''Mandatory Adjustments'' and ''Permitted Amendments'' to the Schedule of Regulatory Fees.

DATES: Effective August 23, 2013. Payment of regulatory fees is due September 20, 2013.

FOR FURTHER INFORMATION CONTACT: Roland Helvajian, Office of Managing Director at (202) 418–0444.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (R&O), FCC 13–140, MD Docket No. 12–201; MD Docket No. 08–65; FCC 13–110, adopted on August 8, 2013 and released on August 12, 2013.

I. Procedural Matters

A. Final Paperwork Reduction Act of 1995 Analysis

1. This *Report and Order* does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain

any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

B. Congressional Review Act Analysis

2. The Commission will send a copy of this *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C 801(a)(1)(A).[1]

C. Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980 (''RFA''),[2] the Commission has prepared a Final Regulatory Flexibility Analysis (''FRFA'') relating to this *Report and Order.* The FRFA is set forth in the section entitled Final Regulatory Flexibility Analysis.

II. Introduction

3. This *Report and Order* concludes the rulemaking proceeding initiated to collect $339,844,000 in regulatory fees for Fiscal Year (FY) 2013, pursuant to section 9 of the Communications Act of 1934, as amended (the Act or Communications Act) [3] and the FY 2013 Further Continuing Appropriations Act.[4] These regulatory fees are due in September 2013.

4. In addition to proposing the FY 2013 regulatory fees, the *FY 2013 NPRM* [5] (78 FR 34612, June 10, 2013) requested comment (see Table 1 below) on a number of proposals to revise the regulatory fee program to more accurately reflect the regulatory activities of current Commission full time employees (FTEs).[6]

TABLE 1—LIST OF COMMENTERS

Commenter	Abbreviation
Initial Comments	
American Cable Association	ACA.
AT&T Services, Inc.	AT&T.
Competitive Carriers Association	CCA.
Critical Messaging Association	CMA.
DIRECTV, LLC	DIRECTV.
CTIA—The Wireless Association®	CTIA.
EchoStar Satellite Operating Company and Hughes Network Systems, LLC and DISH Network LLC	EchoStar and DISH.
Fireweed Communications LLC and Jeremy Lansman	Fireweed.
International Carrier Coalition	ICC.
Intelsat License LLC	Intelsat.
Independent Telephone & Telecommunications Alliance	ITTA.
Minority Media and Telecommunications Council	MMTC.
National Association of Broadcasters	NAB.
North American Submarine Cable Association	NASCA.
SES Americom, Inc., Inmarsat, Inc., and Telesat Canada	SES.
Satellite Industry Association	SIA.
Sarkes Tarzian, Inc. and Sky Television, LLC	Sarkes Tarzian and Sky Television.
Telesat Canada	Telesat.
Telstra Incorporated and Australia-Japan Cable (Guam) Limited	Telstra.
United States Telecom Association	USTA.
Martin D. Wade	Martin D. Wade.
Reply Comments	
American Cable Association	ACA.
Arkansas Broadcasters Association and Christian Broadcasting System, LTD	ABA.
Clearwire Corporation	Clearwire.
CTIA—The Wireless Association®	CTIA.
DIRECTV, LLC	DIRECTV.
EchoStar Satellite Operating Company and Hughes Network Systems, LLC and DISH Network LLC	EchoStar and DISH.
Google Fiber Inc.	Google.
International Carrier Coalition	ICC.
P. Randall Knowles	Knowles.

[1] *See* 5 U.S.C. 801(a)(1)(A). The Congressional Review Act is contained in Title II, 251, of the CWAAA; *see* Public Law 104–121, Title II, 251, 110 Stat. 868.

[2] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''), Public Law 104–121, Title II, 110 Stat. 847 (1996). The SBREFA was enacted as Title II of the Contract With America Advancement Act of 1996 (''CWAAA'').

[3] *Procedures for Assessment and Collection of Regulatory Fees; Assessment and Collection of Regulatory Fees for Fiscal Year 2013,* Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking in MD Docket Nos. 12–201, 13–140, and 08–05, 28 FCC Rcd 7790 (2013) (*FY 2013 NPRM*). Section 9 regulatory fees are mandated by Congress and collected to recover the regulatory costs associated with the Commission's enforcement, policy and rulemaking, user information, and international activities. 47 U.S.C. 159(a).

[4] In FY 2013, the Consolidated and Further Continuing Appropriations Act, Public Law 113–6 (2013) at Division F authorizes the Commission to collect offsetting regulatory fees at the level provided to the Commission's FY 2012 appropriation of $339,844,000. *See* Financial Services and General Government Appropriations Act, 2012, Division C of Public Law 112–74, 125 Stat. 108–9 (2011). The sequester effectuated by the Budget Control Act of 2011, Public Law 112–15, 101, 125 Stat. 241 (2011) reduced the Commission's budget for salary and expenses to $322,747,807. *See* Budget Control Act of 2011, Public Law 112–15, 101, 125 Stat. 241 (2011) (amending 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99–177, 99 Stat. 1037 (2005). However, the Budget Control Act does not alter the congressional directive set out in the Further Continuing Appropriations Act to collect $339,844,000 in regulatory fees for FY 2013.

[5] Table 1 contains a list of commenters and their abbreviated names. We have used the same abbreviations in referring to those commenters where we discuss previous comments filed by the same parties. Where previous comments are cited we have added the date of the filing to clarify that the comment was filed to an earlier notice of proposed rulemaking.

[6] One FTE, a ''Full Time Equivalent'' or ''Full Time Employee,'' is a unit of measure equal to the work performed annually by a full time person (working a 40 hour workweek for a full year) assigned to the particular job, and subject to agency personnel staffing limitations established by the U.S. Office of Management and Budget.

TABLE 1—LIST OF COMMENTERS—Continued

Commenter	Abbreviation
Bennett Z. Kobb	Kobb.
National Cable & Telecommunications Association	NCTA.
Satellite Industry Association	SIA.
SES Americom, Inc., Inmarsat, Inc., and Telesat Canada	SES.
Verizon and Verizon Wireless	Verizon.

5. In this *Report and Order* we look to current data to determine the number of FTEs working on regulation and oversight of Interstate Telecommunications Service Providers (ITSPs)[7] and other fee categories and revise the calculation of direct FTEs in the International Bureau. We also adopt a 7.5 percent limit to any increase in regulatory fee assessments to industry segments resulting from such reallocation of FTEs based on current data.[8] We will require Digital Low Power, Class A, and TV Translators/Boosters licensees simulcasting in both an analog or digital mode to pay only a single regulatory fee for the analog facility and its corresponding digital component. We conclude that these measures, which will take effect in FY 2013, will better align regulatory fees with regulatory work performed without imposing undue economic hardship on certain regulatees.

6. This *Report and Order* also adopts several changes that will take effect in FY 2014. Among these, UHF and VHF television stations will be consolidated into one regulatory fee category. We will assess regulatory fees on Internet Protocol TV (IPTV) licensees and we will create a new fee category that will include both cable television and IPTV. Beginning in FY 2014, we will also require that all regulatory fee payments be made electronically and we will no longer mail out initial regulatory fee assessments to CMRS licensees. Finally, beginning in FY 2014, unpaid regulatory fees will be transferred for collection to the U.S. Department of the Treasury at the end of the payment period rather than 180 days thereafter.

7. The FTE reallocations and the cap on fee increases we adopt today are interim measures that constitute the first step in comprehensively examining and reforming our regulatory fee program so that the fees paid by all licensees will more accurately reflect the current cost of regulating them. Various other issues relevant to revising our regulatory fee program were also raised in either the *FY 2013 NPRM* or in comments submitted in response to it. Because we require further information to best determine what action to take on these complex issues, we will consolidate them for consideration in a Second Further Notice of Proposed Rulemaking that we will issue shortly. We recognize that these are complex issues and that resolving them will be difficult. Nevertheless, we intend to conclusively readjust regulatory fees within three years.

III. Background

8. Each year the Commission derives the fees that Congress requires it to collect by determining the full-time equivalent number of employees performing the regulatory activities specified in section 9(a), ''adjusted to take into account factors that are reasonably related to the benefits provided to the payer of the fee by the Commission's activities. . . .''[9] Regulatory fees must also cover the costs the Commission incurs in regulating entities that are statutorily exempt from paying regulatory fees,[10] entities whose regulatory fees are waived,[11] and entities that provide nonregulated services.[12] To calculate regulatory fees, the Commission allocates the total amount to be collected among the various regulatory fee categories. This allocation is based on the number of FTEs assigned to work in each regulatory fee category. FTEs are categorized as ''direct'' if they are performing regulatory activities in one of the ''core'' bureaus, *i.e.,* the Wireless Telecommunications, Media, Wireline Competition, and International Bureaus. All other FTEs are considered ''indirect.''[13] The total FTEs for each fee category is determined by counting the number of direct FTEs regulating licensees in that fee category, plus a proportional allocation of indirect FTEs. Finally, each regulatee within a fee category pays its proportionate share based on an objective measure, *e.g.,* revenues, subscribers, or licenses.[14]

9. We began our regulatory fee reform analysis in the *FY 2008 Further Notice of Proposed Rulemaking.*[15] In that proceeding, we discussed the need to revise and improve our regulatory fee process to better reflect industry, regulatory, and Commission organizational changes.[16] We sought comment on several issues, *e.g.,* reviewing FTE allocations,[17] adding wireless providers to the ITSP category,[18] adding a category for IPTV,[19]

[7] ITSPs are interexchange carriers (IXCs), incumbent local exchange carriers (LECs), toll resellers, and other IXC service providers regulated by the Wireline Competition Bureau.

[8] The updated FTE data are current as of Sept. 30, 2012.

[9] 47 U.S.C. 159(b)(1)(A). When section 9 was adopted, the total FTEs were to be calculated based on the number of FTEs in the Private Radio Bureau, Mass Media Bureau, and Common Carrier Bureau. (The names of these bureaus were subsequently changed.) Satellites and submarine cable were regulated through the Common Carrier Bureau before the International Bureau was created.

[10] *Assessment and Collection of Regulatory Fees for Fiscal Year 2004,* Report and Order, 19 FCC Rcd 11662, 11666, para. 11 (2004) (*FY 2004 Report and Order*). For example, governmental and nonprofit entities are exempt from regulatory fees under section 9(h) of the Act. 47 U.S.C. 159(h); 47 CFR 1.1162.

[11] 47 CFR 1.1166.

[12] *E.g.,* broadband services, non-U.S.-licensed space stations.

[13] The indirect FTEs are the employees from the following bureaus and offices: Enforcement Bureau, Consumer and Governmental Affairs Bureau, Public Safety and Homeland Security Bureau, Chairman and Commissioners' offices, Office of Managing Director, Office of General Counsel, Office of the Inspector General, Office of Communications Business Opportunities, Office of Engineering and Technology, Office of Legislative Affairs, Office of Strategic Planning and Policy Analysis, Office of Workplace Diversity, Office of Media Relations, and Office of Administrative Law Judges, totaling 967 FTEs.

[14] For a fuller description of this process, *see Assessment and Collection of Regulatory Fees,* Notice of Proposed Rulemaking, 27 FCC Rcd 8458, 8461–62, paras. 8–11 (2012) (*FY 2012 NPRM*). The current numbers of direct FTEs are as follows: International Bureau, 119; Media Bureau, 171; Wireline Competition Bureau, 160; and Wireless Telecommunications Bureau, 98. FTEs involved in section 309 auctions, 194 FTEs, are not included in this analysis because auctions activities are funded separately.

[15] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2008,* Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6388 (2008) (*FY 2008 FNPRM*).

[16] *FY 2008 FNPRM,* 24 FCC Rcd at 6402, para. 30.

[17] *FY 2008 FNPRM,* 24 FCC Rcd at 6405, para. 41. USTA proposed updating the FTE calculations. USTA Comments (9/25/08) at 2–4. ITTA advocated an annual update of FTE data. ITTA Comments (9/25/08) at 7–9.

[18] *FY 2008 FNPRM,* 24 FCC Rcd at 6404, para. 40. ITTA advocated combining the wireless and ITSP categories. ITTA Comments (9/25/08) at 7–9.

[19] *FY 2008 FNPRM,* 24 FCC Rcd at 6406–07, paras. 48–49.

and adopting a per-subscriber fee for direct broadcast satellite (DBS).[20] Lacking a sufficient record, we did not take any further action on general industry-wide regulatory fee reform at that time; although we took a significant step in regulatory fee reform in the subsequent *Submarine Cable Order* wherein we adopted a new submarine cable bearer circuit methodology for assessing regulatory fees on a cable landing license basis.[21]

10. In 2012, a report on the Commission's regulatory fee program issued by the Government Accountability Office provided support for a fundamental reevaluation of how to align regulatory fees more closely with regulatory costs.[22] In the *FY 2012 NPRM,*[23] we acknowledged that the FTE allocations were outdated; that revising the allocations based on FTEs, without other adjustments, would drastically increase the regulatory fees for International Bureau regulatees; and we suggested that not all International Bureau FTEs should be considered direct FTEs. Comments filed to the *FY 2012 NPRM* were similar to those filed by those commenters in this proceeding.[24]

11. In the *FY 2013 NPRM,* we tentatively concluded that our methodology of assigning direct and indirect FTEs should be revised to use current FTE data and that we should reexamine how the direct and indirect costs of our current regulatory activities are allocated among various categories of Commission licensees.[25] Because any change in the allocation of the regulatory fee amount for one category of fee payors necessarily affects the fees paid by payors in all other fee categories, we also proposed that such revisions should take into account the impact on all regulatees. We proposed that the International Bureau should no longer be entirely classified as a ''core bureau.'' [26] We sought comment on specific proposals to revise the allocation of direct and indirect FTEs as well as on more general policy and procedural proposals to assure that regulatory fees are equitable, administrable, and sustainable.[27]

IV. Discussion

A. Using Current FTE Data

12. As discussed in the *FY 2013 NPRM,* the current allocations of direct and indirect FTEs are taken from FTE data compiled in FY 1998 and may no longer accurately reflect the time that Commission employees devote to these activities.[28] For example, using 1998 FTE data results in ITSPs paying 47 percent of the total annual regulatory fee collection, while the Wireline Competition Bureau employs 29.2 percent of the Commission's direct FTEs. To address this anomaly, in the *FY 2013 NPRM* we proposed to use current FY 2012 FTE data.[29] Several commenters, *e.g.,* ITTA, AT&T, CTIA, and USTA, generally supported this proposal.[30] NAB and other commenters suggest that we defer using this data until we complete an examination of the effects of implementing it.[31] We find that it is consistent with section 9 of the Act to better align, to the extent feasible, regulatory fees with the current costs of Commission oversight and regulation and that the critical issue, noted by NAB and other commenters, is how to equitably resolve the issues of fairness and administrability the use of the new data will bring about.

13. We next consider an allocation methodology for direct and indirect FTEs to better align regulatory fees with the level of current regulation and we make the allocation more transparent.[32] Using FY 2012 FTE data,[33] without other significant changes in our methodology, would reduce the percentage of regulatory fees allocated to Wireline Competition Bureau regulatees from 47 percent to 29.2 percent and increase the percentage of fees allocated to International Bureau regulatees from 6.3 percent to 22 percent.[34] Therefore, substituting current FTE data for FY 1998 FTE data, without other adjustments, would subject international service providers to significant fee increases.[35]

14. We find no persuasive argument for perpetuating the use of 14 year-old FTE data as the basis for regulatory fees in FY 2013, and we therefore adopt our proposal to use current FY 2012 FTE data to calculate FY 2013 regulatory fees. Instead, the critical issue, noted by NAB and other commenters, is whether and to what extent we should adjust the new fees that result from using the current FTE data to assure that our goals of fairness, sustainability, and administrability are met.

B. Adjustments to Revised Fees

15. *Reallocation of International Bureau FTEs.* It is not surprising that changes in the scope and focus of Commission regulation since FY 1998 produce substantial shifts in the allocation of regulatory fees when current FTE data is used. In the *FY 2013 NPRM* we analyzed these in detail.[36] The largest shifts would occur in the fees paid by International Bureau and Wireline Competition Bureau licensees: Fees paid by the former would triple, and fees paid by the latter would

[20] *FY 2008 FNPRM,* 24 FCC Rcd at 6407, para. 50. NCTA recommended adopting a per-subscriber based regulatory fee for all multichannel video programming distributors (MVPDs). NCTA Comments (9/25/08) at 2–4.

[21] This methodology allocates international bearer circuit costs among service providers without distinguishing between common carriers and non-common carriers, by assessing a flat per cable landing license fee for all submarine cable systems, with higher fees for larger submarine cable systems and lower fees for smaller systems. *Assessment and Collection of Regulatory Fees for Fiscal Year 2008,* Second Report and Order, 24 FCC Rcd 4208, 4213, para. 11 (2009) (*Submarine Cable Order*).

[22] *See* GAO, Federal Communications Commission, ''Regulatory Fee Process Needs to be Updated,'' Aug. 2012, GAO–12–686 (GAO Report).

[23] *FY 2012 NPRM,* 27 FCC Rcd 8458.

[24] For example, some commenters argued, in both proceedings, that the Commission should update its FTEs in each core bureau (AT&T Comments (9/17/12) at 3–4, CTIA Reply Comments (10/23/12) at 2–4, Frontier Communications Reply Comments (10/23/12) at 2–6, NCTA Reply Comments (10/23/12) at 3–6, USTA Comments (9/17/12) at 2–7, Verizon Comments (9/17/12) at 2–4, ITTA Ex Parte (2/11/13) at 1–2); that DBS providers should pay regulatory fees to cover Media Bureau activities (ACA Reply Comments (10/23/12) at 4–12); that DBS providers should not pay regulatory fees to cover Media Bureau activities (DIRECTV Ex Parte (11/9/12) at 1–18); and that satellite and submarine cable operators should not be required to pay regulatory fees based on the total number of FTEs in the International Bureau but that the fees should instead be lower (America Movil Comments (9/17/12) at 2–6, Globalstar Reply Comments (10/17/12) at 1–2, Global VSAT Forum Reply Comments (10/23/12) at 4–7, Hughes Network Systems Ex Parte (8/1/12) at 1, Intelsat Reply Comments (10/23/12) at 2–10, (ICC Comments (9/17/12) at 5–17, NASCA Comments (9/17/12) at 4–30, SES Ex Parte (3/8/13) at 1–2, SIA Comments (9/17/12) at 12–15, Sirius XM Radio Inc. Reply Comments (10/23/12) at 2–5, Telstra Comments (9/17/12) at 3). To the extent that the FY 2012 and FY 2013 NPRMs raised the same issues for comment, we have considered herein the comments filed in response to both NPRMs.

[25] *FY 2013 NPRM,* 28 FCC Rcd at 7797, para. 16.

[26] *FY 2013 NPRM,* 28 FCC Rcd at 7799, para. 19.

[27] *FY 2013 NPRM,* 28 FCC Rcd at 7798–7807, paras. 17–40.

[28] *FY 2013 NPRM,* 28 FCC Rcd at 7794–95, para. 9.

[29] *FY 2013 NPRM,* 28 FCC Rcd at 7798, para. 17.

[30] *See, e.g.,* ITTA Comments at 3–7; CTIA Comments at 10; USTA Comments at 2–4; AT&T Comments at 1–2.

[31] NAB Comments at 6 (requesting that ''the Commission temporarily defer the implementation of the proposals set forth in the Notice to allow time for additional analysis.''). *See also* ACA Comments at 12 (''it would be prudent and fair for the Commission to do what it can to maintain the regulatory fee status quo until decisions are made on implementing the pending reforms affecting the fees paid by cable operators.''); ABA Reply Comments at 3 (urging the Commission to maintain the current allocations for FY 2013).

[32] The GAO noted the lack of transparency of the regulatory fee process and was particularly concerned with the regulatory fee allocations for the International Bureau and the Wireline Competition Bureau. *See* GAO Report at p. 23.

[33] The FTEs used herein are determined as of Sept. 30, 2012.

[34] *FY 2012 NPRM,* 27 FCC Rcd at 8467, para. 25.

[35] *Id.*

[36] *FY 2013 NPRM,* 28 FCC Rcd at 7795–98, paras. 11–17.

decrease by about 40 percent. The fees paid by wireless and media service licensees would also change, but to a lesser extent.[37]

16. The first issue we face is how the Commission should address these fluctuations in setting regulatory fees for FY 2013. One way would be to take a fresh look at how direct and indirect FTEs are allocated to determine whether these allocations accurately reflect the regulatory activities performed by FTEs in the core bureaus. As we have previously noted, this analysis is complicated by the convergence of digitally-based services, which can have the practical effect of causing the work of FTEs in one bureau to tangentially benefit licensees in another bureau. In one singular case, however, the work of a bureau's FTEs primarily benefits licensees regulated by other bureaus. As we discussed at length in the *FY 2012* and *FY 2013 NPRMs,* the International Bureau is exceptional compared to the other licensing bureaus in that the work of many of its FTEs predominantly benefits other bureaus' licensees rather than its own.[38] We incorporate that analysis by reference herein. Based on the facts and analysis we presented, we adopt our proposal, with one slight modification. Specifically, as proposed in the FY 2013 NPRM, we reallocate the FTEs in the International Bureau's Strategic Analysis and Negotiation Division (SAND), as well as all but 27 direct FTEs in the Policy and Satellite Divisions as indirect FTEs. In addition, we allocate one FTE from the Office of the Bureau Chief as direct.[39] As commenters suggest, we find that, based on further examination of the work done in the Office of the Bureau Chief, it is not appropriate to treat the entire office as indirect.[40] We therefore now find a more appropriate number representing the direct FTEs actually engaged in the regulation and oversight of International Bureau licensees is 28.[41]

17. Not all commenters agreed with these proposals, although commenters did agree that we should not assign all of the International Bureau FTEs as direct FTEs. USTA suggests that we follow the proposal in the *FY 2012 NPRM* and remove only one division, SAND, from the ''core'' International Bureau.[42] Several commenters agree that many of the FTEs in the International Bureau should not be considered direct, but observe that similar situations occur in other bureaus and urge us to take a closer look at all bureaus.[43]

18. NAB and ABA recommend that we should not limit our analysis to the International Bureau, but should consider all such cross-cutting work throughout the Commission before revising our FTE reallocations.[44] Commenters have provided specific suggestions for other reallocations, *e.g.,* assigning Enforcement Bureau and Consumer & Governmental Affairs FTEs as direct costs to the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Media Bureau[45]; assigning some Media Bureau FTEs to the Wireless Telecommunications Bureau[46]; reallocating regulatory fees among International Bureau regulatees in order to lower the submarine cable system fee[47]; as well as assessing Media Bureau costs to DBS providers.[48]

19. We recognize that there is substantial convergence in the industry and organizational change in the Commission that may support additional FTE reallocations after further analysis. The high percentage of indirect FTEs is indicative of the fact that many Commission activities and costs are not limited to a particular fee category and instead benefit the Commission as a whole. Even without the changes we adopt today, the number of non-core bureau FTEs are almost double the number of core bureau (non-auction) FTEs, demonstrating that our common costs far outweigh costs assigned to a particular core bureau.

20. CTIA contends that ''selective reallocation'' would be ''arbitrary and capricious''[49] upending the regulatory fee structure in contravention of section 9 of the Act.[50] CTIA further maintains that the Commission's proposal reflects a system of cost allocation that does not depend on the cost of Commission regulation but rather on a ''fair share'' rationale that is incompatible with the Act.[51] This would cause ''a tremendous amount of complexity and uncertainty'' and, if applied broadly, would ''threaten[ ] the administrability of the regulatory fee program.''[52] We disagree with these arguments. Section 9(a) and (b)(1)(A) in relevant part directs the Commission to establish regulatory fees based on the number of FTEs engaged in regulatory activities within the named bureaus ''and other offices of the Commission.'' Thus, the plain wording of the statute requires the Commission to calculate fees based on what FTEs are doing, not on where they are located. Nowhere does the statute explicitly or implicitly limit the Commission's ability to reassign FTEs, and the costs they represent, among the various bureaus. Furthermore, because the ''benefits provided'' to fee payors by International Bureau FTEs inure mainly to licensees in other bureaus, the

[37] *FY 2012 NPRM,* 27 FCC Rcd 8458, 8467, para. 25.

[38] *FY 2012 NPRM, supra* at paras. 26—27; *FY 2013 NPRM,* 28 FCC Rcd at 7799–7803, paras. 19–28.

[39] Most commenters agree with our proposal. *See, e.g.,* ICC Comments at 2–3 & Reply Comments at 3–4 (supports *FY 2013 NPRM* proposal for International Bureau); Intelsat Comments at 2–3 (same); AT&T Comments at 2 (same); Telstra Comments at 2 (same); SES Comments at 2 (same); SIA Comments at 4–9 & Reply Comments at 2–5 (same); EchoStar and DISH Comments at 6 & Reply Comments at 2–4 (same); NASCA Comments at 3–8 (same).

[40] *See* CTIA Comments at 10–11.

[41] For this reason, the International Bureau would remain a core bureau, in part.

[42] USTA Comments at 6–7.

[43] *See, e.g.,* ITTA Comments at 5–6 (Wireline Competition Bureau's work on Universal Service Fund issues benefits regulatees in the wireless, cable, and satellite industries); CCA Comments at 6 (the Commission ''should review the functions and activities of all Bureaus rather than just the International Bureau.''); Comments of EchoStar and DISH at 7 & Reply Comments at 4 (Commission should ''apply the same type of enhanced scrutiny . . . to bureaus and offices currently categorized as consisting of 'indirect' FTEs' '').

[44] NAB Comments at 4–5 (''The Commission should either undertake a complete accounting or the actual functions of FTEs in the core bureaus, and allocate regulatory fees accordingly, or consider retaining the existing process of allocating fees based on the percentages of FTEs in the core bureaus.''); ABA Reply Comments at 2–3.

[45] SIA Comments at 10–11 & Reply Comments at 5–6.

[46] NAB Comments at 4 (some Media Bureau FTEs work on spectrum and wireless-related issues).

[47] NASCA Comments at 8–9; Telstra Comments at 2–3; ICC Reply Comments at 2.

[48] We sought comment on this issue and intend to address it in a subsequent proceeding. *See FY 2013 NPRM,* 28 FCC Rcd at 6407, para. 50. *See, e.g.,* AT&T Comments at 4–5 (recommending a single MVPD fee category that would include all MVPDs); ACA Comments at 13–18 (same) & Reply Comments at 1–6 (''this much-needed regulatory reform will ensure regulatory parity between cable operators and DBS providers''); NCTA Reply Comments at 2–5 (''All MVPDs are subject to some level of regulation administered by the Media Bureau and they all benefit from the Bureau's regulation of other entities.''); DIRECTV Comments at 1–20 (opposing including DBS in such a category); EchoStar and DISH Comments at 18–20 & Reply Comments at 4–6 (same).

[49] CTIA Comments at 12 (''It would be arbitrary and capricious for the Commission to implement any reallocation of FTEs in the WCB without providing parties sufficient time and information to adequately consider the proposal.'')

[50] CTIA Comments at 7. CTIA states that ''the Commission's proposal to subject wireless regulatees to the ITSP regulatory fee category does not satisfy the necessary conditions set forth in Section 9.'' *Id.*

[51] CTIA Comments at 3. CTIA contends that the wireless industry's overall contribution to the Commission's budget includes spectrum auction proceeds. *Id.*

[52] CTIA's concern is that the *FY 2013 NPRM* does not ''provide a governing standard and, if applied broadly, would upend the regulatory fee structure.'' CTIA Comments at 11. The only specific example given by CTIA to support this argument is that the *FY 2013 NPRM* ''fails to explain why all FTEs in the IB front office would be treated to a different standard than front office personnel in other core bureaus, none of whom are considered indirect FTEs.'' *Id.*

reallocation of these FTEs to the other bureaus is consistent with section 9(b)(1)(A) and is not arbitrary and capricious. Limiting reassignments to the FTEs in SAND as USTA proposes would also not be appropriate because further analysis has shown that the work of some FTEs in the International Bureau's Policy and Satellite Divisions also predominantly benefits the licensees of other bureaus.

21. Nor can we agree with NAB that we must toll all FTE reassignments until we have reexamined the allocation of FTEs throughout the Commission. As EchoStar and DISH observe, the fact that we have not yet examined all bureaus on a division or branch level should not prevent us from adopting our proposal.[53] As we have noted, the extent to which the International Bureau's FTEs are engaged in activities that primarily benefit licensees regulated by other bureaus is *sui generis,* and no commenter in this proceeding has submitted any facts that contradict this finding. Moreover, our analysis shows that the digitally-driven convergence of formerly separate services will make a similar examination of possible FTE reallocations among the other licensing bureaus a much more difficult and lengthy task. It would be inconsistent with section 9 to delay reallocating the International Bureau FTEs, where the reallocation is clearly warranted, while we engage in painstaking examinations of less clear and more factually complex situations in the other bureaus. Finally, because the International Bureau's situation is exceptional, we do not perceive how, as CTIA would argue, that the proposed reallocation can constitute a ''slippery slope.'' [54] For these reasons we conclude it is reasonable and consistent with section 9 of the Act to readjust the assignment of FTEs in the bureau where the record demonstrates the clearest case for reassignment.

22. At the same time, however, we recognize that a reexamination of how FTEs are allocated throughout the Commission is an indispensable part of comprehensively revising the Commission's regulatory fee program. For this reason as stated in paragraph 5 above, we will issue a Second Further Notice of Proposed Rulemaking in the near future to examine these, and other related issues.

23. *Limiting Fee Increases.* As noted in para. 13 above, using current FTE figures causes shifts in the allocation of regulatory fee collection among the Bureaus and, consequently, the fees their licensees will pay. Because we are required by statute to set regulatory fees that will recover the entire amount of our appropriation, any reduction in the proportion of all regulatory fees paid by licensees in one fee category will necessarily result in an increase in regulatory fees paid by licensees in others. For the same reason, limiting fee increases for licensees in some fee categories will necessarily limit fee decreases that licensees in other fee categories would otherwise receive. With these considerations in mind, and to avoid sudden and large changes in the amount of fees paid by various classes of regulatees, we proposed in the *FY 2013 NPRM* to cap increases in FY 2013 fees to no more than 7.5 percent.[55]

24. USTA strongly opposes this limitation on fee rate increases or any other transition to fully normalized fees, contending that such proposals try to insure fairness to other fee payors while ignoring the fact that ITSPs have been paying a disproportionate share of regulatory fees for a decade.[56] ITTA argues that any cap should only be applied in FY 2013.[57] AT&T contends that a cap on increases would be unnecessary if the Commission fairly accounted for FTE distribution among all the core bureaus.[58] The International Carrier Coalition agreed with our finding that limiting fee increases would have the unavoidable effect of also limiting fee decreases, and stated that for that reason ''the proposed 7.5% cap on increases/decreases of regulatory fees should be an interim measure only.'' [59]

25. We disagree with the commenters objecting to the imposition of the 7.5% cap on fee increases. As an initial matter we note that the imposition of a cap on fee increases is not unprecedented. In 1997 we imposed a 25 percent cap to avoid the prospect of ''fee shock'' resulting from large and unpredictable fluctuations in fees.[60] Today, a different set of circumstances supports the imposition of a more modest, interim cap. The regulatory fees we adopt today reflect only the first of a series of changes that we will consider in the comprehensive revision of our regulatory fee program. As we noted in the *FY 2013 NPRM,* and in para. 5 above, there are unresolved regulatory fee reform initiatives on which we will seek comment and which could be adopted and implemented in setting regulatory fees in FY 2014.[61] Capping fee increases at 7.5% is a conservative interim approach to assure that any fee increases resulting from use of the new FTE data will be reasonable as we transition to a revised regulatory fee program in which regulatory fees will more closely reflect the current costs and benefits of Commission regulation.

26. USTA and other commenters have pointed out that ITSPs will be most affected by any limitation on fee increases. USTA opposes the 7.5% cap on fee increases, contending that ITSPs have been paying ''an inordinate share of regulatory fees, paying 47 percent of the total fees while only 29.2 percent of the direct FTEs are assigned to the Wireline Competition Bureau.'' [62]

27. We agree with USTA's contention that ITSP fees should be reduced to more accurately reflect the regulatory costs that the industry currently generates, and thus the interim fees we adopt today give ITSPs a significant reduction in their FY 2013 fees. However, we cannot ''flash cut'' to immediate, unadjusted use of the FY 2012 FTE data without engendering significant and unexpected fee increases for other categories of fee payors. As noted above, the cap we impose on fee increases for some licensees will unavoidably limit the fee reductions other licensees, like ITSPs, would otherwise enjoy; simply put, capping fee increases reduces the amount of money available to effectuate all of the

[53] EchoStar and DISH Reply Comments at 4.

[54] CTIA Reply Comments at 5, *quoting* USTA Comments at 7.

[55] *FY 2013 NPRM,* 28 FCC Rcd at 7803–04, paras. 30–31.

[56] USTA Comments at 4–5. Several commenters agree that a limitation on fee increases is needed to prevent economic hardship. *See, e.g.,* CCA Comments at 6 (''any fee increases resulting from the use of updated data should be capped to limit the severity of the impact on payors''); Echostar and DISH Comments at 13–14 (''a reasonable approach would be for the Commission to establish a guideline providing for a multi-year phase in of any fee increase where the change would exceed the rate of inflation''); NASCA Comments at 10 (a 7.5% ''cap on fee increases is consistent with the requirements of Section 9''); ACA Comments at 11 (supporting the proposed 7.5% cap); SIA Reply Comments at 9–10 (a cap on fee increases is needed); ICC Reply Comments at 4 (the proposed cap should be an interim measure only); ABA Reply Comments at 2 (even with the 7.5% cap, the fee increase will cause ''irreparable injury'' to small broadcasters). *See also* NAB Comments at 6 (''We also urge the Commission to be cognizant of the burden that regulatory fees impose on some Commission licensees, particularly the smallest broadcast stations, which may have a few as two or three permanent staff.'').

[57] ITTA Comments at 2.

[58] AT&T Comments at 2.

[59] ICC Comments at 7. *Also see* note 69 below.

[60] *See Assessment and Collection of Regulatory Fees for Fiscal Year 1997,* Report and Order, 12 FCC Rcd 17161, 17176, para. 37 (1997). The fee shock the Commission sought to avoid was caused by the use of employee time sheet entries to calculate direct and indirect FTEs, a methodology that was ultimately abandoned as unworkable.

[61] *FY 2013 NPRM,* 28 FCC Rcd at 7803, para. 30.

[62] USTA Comments at 4–5. AT&T contends that a cap on increases should be unnecessary if the Commission would fairly account for FTE distribution among the core bureaus. AT&T Comments at 2.

reductions in this fiscal year. We are satisfied, however, that as an interim measure the limitations on fee increases are reasonable, and the resulting fee changes are likewise reasonable. Moreover, as this is an interim measure, we commit to revisit these issues and make whatever further fee reductions are warranted in the course of adopting further revisions to our regulatory fee program.[63]

28. *Limiting Fee Decreases.* We are confronted with somewhat different issues in evaluating whether to cap the amount of the fee decrease that any class of fee payors might otherwise receive as a result of our use of current FTE data. The revised FY 2013 fee calculations appearing at Attachment B of the *FY 2013 NPRM* reflect both a 10% cap on decreases, as well as a 7.5% cap on increases.[64] Although the caption to Attachment B clearly stated that the fees resulted from the imposition of a 7.5% cap, it did not state that the fees also reflected a 10% cap on decreases. The text of the *FY 2013 NPRM* did not reference this fact, however, nor did it request comment on the issue of capping fee decreases. Although we requested comment on the general issues of limiting fee increases and adopting possible measures to address the impacts of such limits, no party specifically addressed the issue of an offsetting limit to decreases in comments.[65] Under these circumstances, we cannot find that interested parties were afforded an adequate opportunity to comment on the issue of capping fee decreases. Although this situation would normally be addressed by requesting comments on this issue, here we would not be able to receive and analyze further comments in time to publish and collect fees by the end of FY 2013. Further, as stated above, we find the FY 2013 fee changes resulting from imposition of a 7.5% cap on fee increases to be reasonable. For these reasons we find it necessary to adopt revised FY 2013 fee calculations that reflect only the application of a 7.5% cap on fee increases and no cap on fee decreases. The revised fees are set forth in Table 2 and Table 3 below. The sources of the units for the fees appear in Table 4.

TABLE 2—REVISED FTE (AS OF 9/30/12) ALLOCATIONS,[5] FEE RATE INCREASES CAPPED AT 7.5%; CALCULATION OF FY 2013 REVENUE REQUIREMENTS AND PRO-RATA FEES

[The first ten regulatory fee categories in the table below are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.]

Fee category	FY 2013 payment units	Years	FY 2012 revenue estimate	Pro-Rated FY 2013 revenue requirement	Uncapped FY 2013 regulatory fee	Rounded & capped FY 2013 regulatory fee	Expected FY 2013 revenue
PLMRS (Exclusive Use)	1,400	10	490,000	605,350	43	40	560,000
PLMRS (Shared use)	15,000	10	2,250,000	2,897,033	19	15	2,250,000
Microwave	13,200	10	2,640,000	2,853,794	22	20	2,640,000
218–219 MHz (Formerly IVDS)	5	10	3,500	4,324	86	75	3,750
Marine (Ship)	6,550	10	655,000	951,265	15	10	655,000
GMRS	7,900	5	192,500	345,914	9	5	197,500
Aviation (Aircraft)	2,900	10	290,000	432,393	15	10	290,000
Marine (Coast)	285	10	142,500	172,957	61	55	156,750
Aviation (Ground)	900	10	135,000	172,957	19	15	135,000
Amateur Vanity Call Signs	14,300	10	214,500	259,436	1.81	1.61	230,230
AM Class A [4]	65	1	250,100	294,808	4,536	4,400	286,000
AM Class B [4]	1,510	1	3,125,875	3,664,040	2,427	2,275	3,435,250
AM Class C [4]	890	1	1,107,975	1,305,578	1,467	1,350	1,201,500
AM Class D [4]	1,500	1	3,698,400	4,337,887	2,892	2,575	3,862,500
FM Classes A, B1 & C3 [4]	3,075	1	7,764,750	8,970,581	2,917	2,725	8,379,375
FM Classes B, C, C0, C1 & C2 [4]	3,140	1	9,513,000	11,034,236	3,514	3,375	10,597,500
AM Construction Permits	51	1	35,750	42,115	826	590	30,090
FM Construction Permits [1]	190	1	84,000	421,154	2,217	750	142,500
Satellite TV	125	1	178,125	210,577	1,685	1,525	190,625
Satellite TV Construction Permit	3	1	3,580	4,212	1,404	960	2,880
VHF Markets 1–10	23	1	1,761,650	2,366,150	102,876	86,075	1,979,725
VHF Markets 11–25	23	1	1,836,875	2,454,013	106,696	78,975	1,816,425
VHF Markets 26–50	39	1	1,512,400	2,034,276	52,161	42,775	1,668,225
VHF Markets 51–100	61	1	1,255,500	1,757,149	28,806	22,475	1,370,975
VHF Remaining Markets	137	1	798,025	1,020,393	7,448	6,250	856,250
VHF Construction Permits [1]	1	1	11,650	6,250	6,250	6,250	6,250
UHF Markets 1–10	112	1	3,853,150	4,248,631	37,934	38,000	4,256,000
UHF Markets 11–25	109	1	3,458,250	3,781,729	34,695	35,050	3,820,450
UHF Markets 26–50	140	1	2,959,875	3,232,818	23,092	23,550	3,297,000
UHF Markets 51–100	239	1	2,868,750	3,099,301	12,968	13,700	3,274,300
UHF Remaining Markets	247	1	845,975	916,915	3,712	3,675	907,725
UHF Construction Permits [1]	4	1	23,975	14,700	3,675	3,675	14,700
Broadcast Auxiliaries	25,400	1	248,000	336,923	13	10	254,000
LPTV/Translators/Boosters/Class A TV	3,725	1	1,436,820	1,684,616	452	410	1,527,250
CARS Stations	325	1	178,125	210,634	648	510	165,750
Cable TV Systems	60,000,000	1	59,090,000	69,719,942	1.162	1.02	61,200,000
Interstate Telecommunication Service Providers	$39,000,000,000	1	148,875,000	118,979,384	0.00305	0.00347	135,330,000
CMRS Mobile Services (Cellular/Public Mobile)	326,000,000	1	53,210,000	63,105,583	0.194	0.18	58,680,000
CMRS Messag. Services	3,000,000	1	272,000	240,000	0.0800	0.080	240,000

[63] ITTA proposes a 14% limitation, for one year. ITTA Ex Parte Communication (July 11, 2013) at 2. For the reasons discussed above, we disagree with ITTA's proposal.

[64] 28 FCC Rcd 7790, 7823, Attachment B, ''Revised FTE (as of 9/30/12) Allocations, Fee Rate Increases Capped at 7.5%, Prior to Rounding.''

[65] As noted at para. 22 *supra,* ICC in its comments referred to ''the proposed 7.5% cap on fee increases/decreases,'' but in context ICC was simply addressing the fact, discussed above, that limiting fee increases will necessarily limit fee decreases as well. ICC did not discuss the specific issue of whether fee decreases should be capped and, if so, at what level.

TABLE 2—REVISED FTE (AS OF 9/30/12) ALLOCATIONS,[5] FEE RATE INCREASES CAPPED AT 7.5%; CALCULATION OF FY 2013 REVENUE REQUIREMENTS AND PRO-RATA FEES—Continued

[The first ten regulatory fee categories in the table below are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.]

Fee category	FY 2013 payment units	Years	FY 2012 revenue estimate	Pro-Rated FY 2013 revenue requirement	Uncapped FY 2013 regulatory fee	Rounded & capped FY 2013 regulatory fee	Expected FY 2013 revenue
BRS[2]							
LMDS	920	1	451,250	693,680	754	510	469,200
	170	1	225,625	128,180	754	510	86,700
Per 64 kbps Int'l Bearer Circuits Terrestrial (Common) & Satellite (Common & Non-Common)	3,823,249	1	1,157,602	1,066,139	.279	.27	1,032,277
Submarine Cable Providers (see chart in Appendix C)[3]	39.19	1	8,150,984	7,504,167	191,494	217,675	8,530,139
Earth Stations	3,400	1	893,750	824,068	242	275	935,000
Space Stations (Geostationary)	87	1	11,560,125	10,646,958	122,379	139,100	12,101,700
Space Stations (Non-Geostationary)	6	1	858,900	791,105	131,851	149,875	899,250
Total Estimated Revenue to be Collected			340,568,811	339,844,006			339,965,741
Total Revenue Requirement			339,844,000	339,844,000			339,844,000
Difference			724,811	6			121,741

[1] The VHF and UHF Construction Permit revenues were adjusted to set the regulatory fee to an amount no higher than the lowest licensed fee for that class of service. Similarly, reductions in the VHF and UHF Construction Permit revenues are offset by increases in the revenue totals for VHF and UHF television stations, respectively.

[2] MDS/MMDS category was renamed Broadband Radio Service (BRS). *See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands,* Report & Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 14165, 14169, para. 6 (2004).

[3] The chart at the end of Table 3 lists the submarine cable bearer circuit regulatory fees (common and non-common carrier basis) that resulted from the adoption of the following proceedings: *Assessment and Collection of Regulatory Fees for Fiscal Year 2008,* Second Report and Order (MD Docket No. 08–65, RM–11312), released March 24, 2009; and *Assessment and Collection of Regulatory Fees for Fiscal Year 2009 and Assessment and Collection of Regulatory Fees for Fiscal Year 2008,* Notice of Proposed Rulemaking and Order (MD Docket No. 09–65, MD Docket No. 08–65), released on May 14, 2009.

[4] The fee amounts listed in the column entitled ''Rounded New FY 2013 Regulatory Fee'' constitute a weighted average media regulatory fee by class of service. The actual FY 2013 regulatory fees for AM/FM radio stations are listed on a grid located at the end of Table 3.

[5] The allocation percentages represent FTE data as of September 30, 2012, and include the proposal to use 28 Direct FTEs (rather than 119 FTEs) for the International Bureau.

TABLE 3—REVISED FTE (AS OF 9/30/12) ALLOCATIONS,[1] FEE RATE INCREASES CAPPED AT 7.5%; FY 2013 SCHEDULE OF REGULATORY FEES

[The first eleven regulatory fee categories in the table below are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.]

Fee category	Annual regulatory fee (U.S. $'s)
PLMRS (per license) (Exclusive Use) (47 CFR part 90)	40
Microwave (per license) (47 CFR part 101)	20
218–219 MHz (Formerly Interactive Video Data Service) (per license) (47 CFR part 95)	75
Marine (Ship) (per station) (47 CFR part 80)	10
Marine (Coast) (per license) (47 CFR part 80)	55
General Mobile Radio Service (per license) (47 CFR part 95)	5
Rural Radio (47 CFR part 22) (previously listed under the Land Mobile category)	15
PLMRS (Shared Use) (per license) (47 CFR part 90)	15
Aviation (Aircraft) (per station) (47 CFR part 87)	10
Aviation (Ground) (per license) (47 CFR part 87)	15
Amateur Vanity Call Signs (per call sign) (47 CFR part 97)	1.61
CMRS Mobile/Cellular Services (per unit) (47 CFR parts 20, 22, 24, 27, 80 and 90)	.18
CMRS Messaging Services (per unit) (47 CFR parts 20, 22, 24 and 90)	.08
Broadband Radio Service (formerly MMDS/MDS) (per license) (47 CFR part 27)	510
Local Multipoint Distribution Service (per call sign) (47 CFR, part 101)	510
AM Radio Construction Permits	590
FM Radio Construction Permits	750
TV (47 CFR part 73) VHF Commercial:	
Markets 1–10	86,075
Markets 11–25	78,975
Markets 26–50	42,775
Markets 51–100	22,475
Remaining Markets	6,250
Construction Permits	6,250
TV (47 CFR part 73) UHF Commercial:	
Markets 1–10	38,000
Markets 11–25	35,050
Markets 26–50	23,550
Markets 51–100	13,700
Remaining Markets	3,675
Construction Permits	3,675
Satellite Television Stations (All Markets):	1,525
Construction Permits—Satellite Television Stations	960

TABLE 3—REVISED FTE (AS OF 9/30/12) ALLOCATIONS,[1] FEE RATE INCREASES CAPPED AT 7.5%; FY 2013 SCHEDULE OF REGULATORY FEES—Continued

[The first eleven regulatory fee categories in the table below are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.]

Fee category	Annual regulatory fee (U.S. $'s)
Low Power TV, Class A TV, TV/FM Translators & Boosters (47 CFR part 74)	410
Broadcast Auxiliaries (47 CFR part 74)	10
CARS (47 CFR part 78)	510
Cable Television Systems (per subscriber) (47 CFR part 76)	1.02
Interstate Telecommunication Service Providers (per revenue dollar)	.00347
Earth Stations (47 CFR part 25)	275
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes DBS Service (per operational station) (47 CFR part 100).	139,100
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25)	149,875
International Bearer Circuits—Terrestrial/Satellites (per 64KB circuit)	.27
International Bearer Circuits—Submarine Cable	See Table Below

[1] The allocation percentages represent FTE data as of September 30, 2012, and include the proposal to use 28 Direct FTEs (rather than 119 FTEs) for the International Bureau.

FY 2013 RADIO STATION REGULATORY FEES

Population served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C0, C1 & C2
≤25,000	$775	$645	$590	$670	$750	$925
25,001–75,000	1,550	1,300	900	1,000	1,500	1,625
75,001–150,000	2,325	1,625	1,200	1,675	2,050	3,000
150,001–500,000	3,475	2,750	1,800	2,025	3,175	3,925
500,001–1,200,000	5,025	4,225	3,000	3,375	5,050	5,775
1,200,001–3,000,00	7,750	6,500	4,500	5,400	8,250	9,250
>3,000,000	9,300	7,800	5,700	6,750	10,500	12,025

FY 2013 SCHEDULE OF REGULATORY FEES: FEE RATE INCREASES CAPPED AT 7.5%

[International Bearer Circuits—Submarine Cable]

Submarine cable systems (capacity as of December 31, 2012)	Fee amount	Address
< 2.5 Gbps	$13,600	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
2.5 Gbps or greater, but less than 5 Gbps	27,200	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
5 Gbps or greater, but less than 10 Gbps	54,425	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
10 Gbps or greater, but less than 20 Gbps.	108,850	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
20 Gbps or greater	217,675	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.

Table 4—Sources of Payment Unit Estimates for FY 2013

In order to calculate individual service fees for FY 2013, we adjusted FY 2012 payment units for each service to more accurately reflect expected FY 2013 payment liabilities. We obtained our updated estimates through a variety of means. For example, we used Commission licensee data bases, actual prior year payment records and industry and trade association projections when available. The databases we consulted include our Universal Licensing System (''ULS''), International Bureau Filing System (''IBFS''), Consolidated Database System (''CDBS'') and Cable Operations and Licensing System (''COALS''), as well as reports generated within the Commission such as the Wireline Competition Bureau's *Trends in Telephone Service* and the Wireless Telecommunications Bureau's *Numbering Resource Utilization Forecast.*

We sought verification for these estimates from multiple sources and, in all cases; we compared FY 2013 estimates with actual FY 2012 payment units to ensure that our revised estimates were reasonable. Where appropriate, we adjusted and/or rounded our final estimates to take into consideration the fact that certain variables that impact on the number of payment units cannot yet be estimated with sufficient accuracy. These include an unknown number of waivers and/or exemptions that may occur in FY 2013 and the fact that, in many services, the number of actual licensees or station operators fluctuates from time to time due to economic, technical, or other reasons. When we note, for example, that our estimated FY 2013 payment units are based on FY 2012 actual payment units, it does not necessarily mean that our FY 2013 projection is exactly the same number as in FY 2012. We have either rounded the FY 2013 number or adjusted it slightly to account for these variables.

Fee category	Sources of payment unit estimates
Land Mobile (All), Microwave, 218–219 MHz, Marine (Ship & Coast), Aviation (Aircraft & Ground), GMRS, Amateur Vanity Call Signs, Domestic Public Fixed.	Based on Wireless Telecommunications Bureau (''WTB'') projections of new applications and renewals taking into consideration existing Commission licensee data bases. Aviation (Aircraft) and Marine (Ship) estimates have been adjusted to take into consideration the licensing of portions of these services on a voluntary basis.
CMRS Cellular/Mobile Services	Based on WTB projection reports, and FY 12 payment data.
CMRS Messaging Services	Based on WTB reports, and FY 12 payment data.
AM/FM Radio Stations	Based on CDBS data, adjusted for exemptions, and actual FY 2012 payment units.
UHF/VHF Television Stations	Based on CDBS data, adjusted for exemptions, and actual FY 2012 payment units.
AM/FM/TV Construction Permits	Based on CDBS data, adjusted for exemptions, and actual FY 2012 payment units.
LPTV, Translators and Boosters, Class A Television.	Based on CDBS data, adjusted for exemptions, and actual FY 2012 payment units.
Broadcast Auxiliaries	Based on actual FY 2012 payment units.
BRS (formerly MDS/MMDS)	Based on WTB reports and actual FY 2012 payment units.
LMDS	Based on WTB reports and actual FY 2012 payment units.
Cable Television Relay Service (''CARS'') Stations.	Based on data from Media Bureau's COALS database and actual FY 2012 payment units.
Cable Television System Subscribers	Based on publicly available data sources for estimated subscriber counts and actual FY 2011 payment units.
Interstate Telecommunication Service Providers	Based on FCC Form 499–Q data for the four quarters of calendar year 2012, the Wireline Competition Bureau projected the amount of calendar year 2012 revenue that will be reported on 2013 FCC Form 499–A worksheets in April, 2013.
Earth Stations	Based on International Bureau (''IB'') licensing data and actual FY 2012 payment units.
Space Stations (GSOs & NGSOs)	Based on IB data reports and actual FY 2012 payment units.
International Bearer Circuits	Based on IB reports and submissions by licensees.
Submarine Cable Licenses	Based on IB license information.

29. The most significant shifts between the recalculated fees we adopt today and the fees that appear in Attachment B of the *FY 2013 Notice* affect International Bureau licensees. The reallocation of FTEs from the International Bureau, combined with a 10% cap on decreases, would have provided licensees of Earth Stations, Geostationary Orbit Space Stations, Non-Geostationary Orbit Satellite Systems, and Submarine Cable Systems with reductions of 3.85% to 10.01% from the fees they paid in FY 2012.[66] Removing the 10% cap on decreases causes the fees these licensees will pay in FY 2013 to increase between 2.31% and 4.70% over the fees they paid in FY 2012.[67] Although at variance from the results we had projected, we find that these modest increases in the fees international service licensees will pay this year are unlikely to affect their ability to continue offering the services for which the Commission has licensed them.[68] Moreover, we emphasize again that the adjustments reflected in all the fees we adopt today are but an initial step in the process of comprehensively reforming the way we assess regulatory fees, a process that we anticipate will lead to further significant changes in the regulatory fees Commission licensees will pay in FY 2014 and beyond.

30. The new allocations that result from the International Bureau FTE reassignments and the imposition of the 7.5 percent cap are as follows:[69]

[66] The specific reductions would have been 10.91% for Earth Stations, 10.01% for Geostationary Orbit Space Stations, Non-Geostationary Orbit Satellite Systems, and Submarine Cable Systems, and 3.85% for International Bearer Circuits.

[67] The specific increases will be Geostationary Orbit Space Stations, 4.68%, Non-Geostationary Orbit Satellite Systems, 4.70%, International Bearer Circuits, 3.85%, and Submarine Cable Systems, 2.31%. Fees for Earth Stations will not increase. Applying the other adjustments we adopt today while removing the 10% cap on decreases means that ITSPs' FY 2013 fees will be reduced by 7.47% instead of 4.27%.

[68] The Commission's rules allow any individual licensee unable to pay its regulatory fees to request and obtain a waiver, reduction, or deferral of payment for good cause shown. *See* 47 CFR 1.1166.

[69] The allocations before imposition of a 7.5% cap on increases are 6.13%, 37.42%, 35.01%, and 21.44% respectively.

International Bureau	Formerly 6.3%	FY 2013 6.91%.
Media Bureau	Formerly 30.2%	FY 2013 33.69%.
Wireline Competition Bureau	Formerly 46.7%	FY 2013 39.81%.
Wireless Telecommunications Bureau	Formerly 16.8%	FY 2013 19.59%.

C. Changes to the Fee Categories, Using Revised FTE Data

31. As we discussed above in paragraph 18, we intend to further examine other possible FTE reallocations. We have concluded that the International Bureau is exceptional in that most of its activities benefit the regulatees of other bureaus and offices instead of its own regulatees, and none of the commenters have shown that this is the case to the same extent with regard to any other core bureau. If parties can show that other bureaus' activities directly benefit licensees of different bureaus as disproportionately as the International Bureau's activities do, or that a non-core bureau's activities benefit only certain bureaus or regulatees, we will consider those showings in setting regulatory fees in FY 2014. We will continue to examine these suggestions as we continue our regulatory fee reform, as well as our proposals that we do not reach in this Report and Order: to combine the ITSP and wireless categories,[70] to use revenues in calculating all regulatory fees,[71] and to include DBS providers in a new MVPD category.[72] We find additional time is necessary and appropriate to examine these proposals under Section 9 of the Communications Act and analyze how these proposals account for changes in the communications industry and the Commission's regulatory processes and staffing.[73]

D. Other Telecommunications Regulatory Fee Issues

1. Combining UHF/VHF Television Regulatory Fees Into One Fee Category Effective FY 2014

32. Regulatory fees for full-service television stations are calculated based on two, five-tiered market segments for Ultra High Frequency (UHF) and Very High Frequency (VHF) television stations. After the transition to digital television on June 12, 2009, we proposed that the Commission combine the VHF and UHF regulatory fee categories.[74] In response, Fireweed argued that we should base the regulatory fee structure on three tiers and Sky Television, LLC, Spanish Broadcasting System, Inc., and Sarkes Tarzian argued that instead of six separate categories for both VHF and UHF we should combine all television stations into a single six-tiered category based on market size, thus eliminating any distinction between VHF and UHF.[75] In its most recent comments, Sarkes Tarzian and Sky Television support our proposal to combine the VHF and UHF fee categories within the same market area into one fee category but suggests that the Commission implement this proposal in FY 2013 rather than FY 2014.[76] In a recent Notice of Ex Parte Presentation, filed by Sarkes Tarzian and Sky Television on February 15, 2013, these parties argued that because VHF stations are less desirable than UHF stations it is unfair to levy higher fees on them.

33. Historically, analog VHF channels (channels 1–13) were coveted for their greater prestige and larger audience, and thus the regulatory fees assessed on VHF stations were higher than regulatory fees assessed for UHF (channels 14 and above) stations in the same market area. After the digital conversion, it became evident that VHF channels were less desirable than digital UHF channels, and thus there may no longer be a basis in which to assess a higher regulatory fee on VHF channels. Therefore, in the *FY 2013 NPRM* we proposed to combine the VHF and UHF stations in the same market area into one fee category beginning in FY 2014 and eliminate the fee disparity between VHF and UHF stations. For the reasons given in the *FY 2013 NPRM,* we adopt our proposal to combine UHF and VHF full service television station categories into one fee category.

34. Sarkes Tarzian and Sky Television also request that the Commission implement this proposal in FY 2013.[77] With respect to this request, we note that section 9(b)(3) directs the Commission to add, delete, or reclassify services in the fee schedule to reflect additions, deletions, or changes in the nature of its services ''as a consequence of Commission rulemaking proceedings or changes in law.'' [78] Combining UHF and VHF full-service television stations into one fee category constitutes a reclassification of services in the regulatory fee schedule as defined in section 9(b)(3) of the Act,[79] and pursuant to section 9(b)(4)(B) must be submitted to Congress at least 90 days before it becomes effective.[80] The Commission will not have sufficient time to implement this change before September 30, 2013 and therefore we will implement this change in FY 2014.

2. Including Internet Protocol TV in Cable Television Systems Category, for FY 2014

35. IPTV is digital television delivered through a high speed Internet connection, instead of by the traditional cable method. IPTV service generally is offered bundled with the customer's Internet and telephone or VoIP services. In the *FY 2008 Report and Order* we first sought comment on whether this service should be subject to regulatory fees.[81] In the *FY 2013 NPRM,* we

[70] ITTA supports this proposal. ITTA Comments at 3–7. Other commenters, however, do not. *See, e.g.,* CTIA Comments at 6–8 & Reply Comments at 3; AT&T Comments at 3; CCA Comments at 3–6; Verizon Reply Comments at 1–2.

[71] ITTA supports a revenue-based assessment for wireline and wireless voice services. *See* ITTA Comments at 7–9. Fireweed supports a revenue-based assessment, with a discount for broadcasters. *See* Fireweed Comments at 3–6. Several commenters oppose this proposal. *See, e.g.,* ACA Comments at 8–9; CTIA Comments at 8 & ex parte (7/15/13) at 1–2; DIRECTV Comments at 18–19; EchoStar and DISH Comments at 10–12; NASCA Comments at 13–14; NCTA Reply Comments at 5–6; SES Comments at 2; SIA Reply Comments at 8.

[72] *See, e.g.,* AT&T Comments at 4–5; ACA Comments at 13–18 & Reply Comments at 1–6; NCTA Reply Comments at 2–5. DIRECTV and EchoStar and DISH oppose this proposal. *See* DIRECTV Comments at 1–20; EchoStar and DISH Comments at 18–20 & Reply Comments at 4–6.

[73] *See, e.g.,* NAB Comments at 6 (requesting that ''the Commission temporarily defer the implementation of the proposals set forth in the Notice to allow time for additional analysis.''); ACA Comments at 12 (''it would be prudent and fair for the Commission to do what it can to maintain the regulatory fee status quo until decisions are made on implementing the pending reforms affecting the fees paid by cable operators.''); ABA Reply Comments at 3 (urging the Commission to maintain the current allocations for FY 2013).

[74] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2010,* Report and Order, 25 FCC Rcd 9278, 9285–86, at paras. 18–20 (2010) (*FY 2010 Report and Order).*

[75] *See also* Notice of Ex Parte Presentation, filed by Sarkes Tarzian and Sky Television (Feb. 15, 2013) (arguing that VHF stations are less desirable than UHF stations and it was unfair to have higher fees for such stations; instead the fee categories should be combined).

[76] *See* Sarkes Tarzian and Sky Television Comments at 2–5.

[77] *See* Sarkes Tarzian and Sky Television Comments at 2–5.

[78] 47 U.S.C. 159(b)(3).

[79] 47 U.S.C. 159(b)(3).

[80] 47 U.S.C. 159(b)(4)(B).

[81] *FY 2008 FNPRM,* 24 FCC Rcd at 6406–07, paras. 48–49. We observed that ''[f]rom a customer's perspective, there is likely not much difference between IPTV and other video services, such as cable service.'' *Id.*

observed that by assessing regulatory fees on cable television systems, but not on IPTV, we may place cable providers at a competitive disadvantage.[82] Commenters addressing this issue agree that we should assess regulatory fees on that service.[83] IPTV and cable service providers benefit from Media Bureau regulation as MVPDs.[84] We agree that IPTV providers should be subject to the same regulatory fees as cable providers.

36. We intend to revisit the issue of whether DBS providers should be included in this category; we are not including such additional services at this time.[85] Therefore, we adopt the proposal in the *FY 2013 NPRM* and broaden the cable television systems category to include IPTV in the new category: ''cable television systems and Internet Protocol TV service providers.'' This will continue to be calculated on a per subscriber basis. In this new category we assess regulatory fees on IPTV providers in the same manner as we assess fees on cable television providers; we are not stating that IPTV providers are cable television providers. As this is a ''permitted amendment,'' it will go into effect for FY 2014.[86]

3. Regulatory Fee Obligations for Digital Low Power, Class A, and TV Translators/Booster

37. The digital transition to full-service television stations was completed on June 12, 2009, but the digital transition for Low Power, Class A, and TV Translators/Boosters still remains voluntary with a transition date of September 1, 2015. In the context of regulatory fees, we have historically considered the digital transition only with respect to regulatory fees applicable to full-service television stations, and not to Low Power, Class A, and TV Translators/Boosters. Because the digital transition for these services is still voluntary, some of these facilities may transition from analog to digital service more rapidly than others. During this period of transition, licensees of Low Power, Class A, and TV Translator/Booster facilities may be operating in analog mode, in digital mode, or in an analog and digital simulcast mode. Therefore, for regulatory fee purposes, we will assess a fee for each facility operating either in an analog or digital mode. In instances in which a licensee is simulcasting in both analog and digital modes, a single regulatory fee will be assessed for the analog facility and its corresponding digital component, but not for both facilities. As greater numbers of facilities convert to digital mode, the Commission will provide revised instructions on how regulatory fees will be assessed.

4. Commercial Mobile Radio Service (CMRS) Messaging

38. CMRS Messaging Service, which replaced the CMRS One-Way Paging fee category in 1997, includes all narrowband services.[87] Initially, the Commission froze the regulatory fee for this fee category at the FY 2002 level to provide relief to the paging industry by setting an applicable rate of $0.08 per subscriber beginning in FY 2003.[88] At that time we noted that CMRS Messaging units had significantly declined from 40.8 million in FY 1997 to 19.7 million in FY 2003—a decline of 51.7 percent.[89] Commenters argued that this decline in subscribership was not just a temporary phenomenon, but a lasting one. Commenters further argued that, because the messaging industry is spectrum-limited, geographically localized, and very cost sensitive, it is difficult for this industry to pass on increases in costs to its subscribers.[90] In response to our *FY 2013 NPRM,* one commenter supported maintaining the CMRS Messaging fee rate at $.08 per subscriber, but urged the Commission to adopt an even lower fee rate in the future, suggesting a ratio of 1 to 7 (messaging/paging monthly ARPU to wireless telephony ARPU) to calculate the messaging regulatory fee rate.[91]

39. The Commission has frozen the CMRS Messaging fee rate since FY 2003. By doing so, the Commission has provided the CMRS Messaging industry some level of regulatory fee stability. As our earlier discussion on FTE allocation has indicated, the fee burden of regulatory fee categories is determined by FTEs, and not by comparative ARPUs or other forms of measurement. By maintaining the CMRS Messaging rate at $.08 per subscriber for a decade, the CMRS Messaging industry has in effect been paying a fee rate of .07 percent (.0007) of all fees, compared to its allocated share of .32 percent (.0032).[92] As in previous years, the Commission in FY 2013 will maintain the CMRS Messaging fee rate at $.08 per subscriber. The Commission, however, will continue to examine the impact of regulatory fees on CMRS Messaging and similar declining industries.

E. Excess Fees

40. Commenters recommend that the Commission obtain Congressional approval to refund excess regulatory fees or alternatively apply the excess fees to FY 2014 collections.[93] The Commission's annual appropriations, since 2008, have prohibited the use of any excess fees from current or previous fees without an appropriation from Congress. Should Congress decide to examine this issue or any other issues regarding regulatory fees, the Commission is committed to providing whatever information they request.[94]

F. Fee Decisions and Waiver Policies

41. The Commission received two unsolicited comments regarding its fee decisions and waiver policies. MMTC urges the Commission ''to waive application fees for small businesses and nonprofits and to provide

[82] *FY 2013 NPRM,* 28 FCC Rcd at 7806, para. 37.

[83] *See, e.g.,* ACA Comments at 2–9 (''The Commission is correct to assume that IPTV service providers should pay regulatory fees to support video-related activities of the Commission''); *see also* ACA Reply Comments at 1–6. *But see* Google Reply Comments at 2–3 (IPTV regulatory fees should be less than what cable operators pay because the Media Bureau has fewer responsibilities with regard to IPTV providers than with cable operators). While we agree that the services are not identical, and we are not categorizing IPTV as a cable television service, we are not persuaded that the relatively small difference from a regulatory perspective described by Google would justify a different regulatory fee methodology and rate.

[84] Some IPTV providers consider the service a ''cable service'' and currently pay the same regulatory fees as cable providers; others do not. ACA Comments at 7–8. MVPD, defined in section 76.1000(e) of our rules, is ''an entity engaged in the business of making available for purchase, by subscribers or customers, multiple channels of video programming.'' 47 CFR 76.1000(e).

[85] AT&T Comments at 4–5 (recommending a single MVPD fee category that would include all MVPDs); NCTA Reply Comments at 2–5 (proposes including all MVPDs); ACA Comments at 13–18 (same); DIRECTV Comments at 1–20 & Reply Comments at 2–10 (opposing including DBS in a MVPD category); EchoStar and DISH Comments at 18–20 & Reply Comments at 4–6 (same). This Report and Order does not adopt a MVPD fee category.

[86] 47 U.S.C. 159(b)(3).

[87] *See Assessment and Collection of Regulatory Fees for Fiscal Year 1997,* Report and Order, 12 FCC Rcd 17161, 17184–85, para. 60 (1997) (*FY 1997 Report and Order).*

[88] *Assessment and Collection of Regulatory Fees for Fiscal Year 2003,* Report and Order, 18 FCC Rcd 15985, 15992, para. 22 (2003) (*FY 2003 Report and Order).*

[89] *FY 2003 Report and Order,* 18 FCC Rcd at 15992, para. 21. The subscriber base in the paging industry declined 92 percent from 40.8 million to 3.2 million between FY 1997 and FY 2012, according to FY 2012 collection data as of Sept. 30, 2012.

[90] *FY 2003 Report and Order,* 18 FCC Rcd at 15992, para. 22.

[91] *See* CMA Comments at 1, 3, and 5.

[92] If the fee rate were not frozen at $.08 per subscriber, the actual fee rate for the CMRS Messaging fee category would have been $.39 per subscriber, thereby raising $1,170,000 in projected revenues (.34% of all fees) compared with $240,000 in projected revenues (.07%).

[93] *See, e.g.,* USTA Comments at 8–9; Verizon Reply Comments at 1–2; SIA Reply Comments at 10.

[94] *See* GAO Report at pp. 44–45.

regulatory fee relief for certain broadcast entities.'' [95] In addition, MMTC explains that the Commission has the authority to ''waive, reduce, or defer payment of a fee in any specific instance of good cause shown, where such action would promote the public interest.'' [96] MMTC contends that the Commission should adopt a rebuttable presumption that a certain class of entities need, and are eligible, for regulatory fee relief.[97] MMTC also urges the Commission to exercise its statutory authority and grant a one-year waiver of certain application fees.[98]

42. The issues raised by MMTC relating to application fees are beyond the scope of this proceeding. We emphasize that all waivers, including a reduction and deferral of fees, are considered on a case-by-case basis under the statute. These include instances in which financial hardship is presented, as well as instances in which the public interest will be promoted. The Commission can exercise some discretion in providing relief on waivers, but this relief can only be provided within the confines of the statutory law that governs that particular waiver.

43. The Commission also received a comment requesting the Commission publish redacted financial data from fee decisions.[99] Fireweed also contends that the Commission has hidden decisions from public view.[100] The Commission intends to consider this issue as it reviews its current policy of publishing fee decisions. However, the publishing of fee decisions, including redacted financial data, must adhere to the Commission's privacy rules and guidelines.

44. Fireweed also contends that we should not require parties to support a waiver request with tax returns.[101] Fireweed has not, however, suggested an alternative method to substantiate financial hardship. Tax returns or audited financial statements are generally used by parties before the Commission to demonstrate financial hardship.

G. Administrative Issues

45. In FY 2009, the Commission implemented several procedural changes that simplified the payment and reconciliation processes for FY 2009 regulatory fees. The Commission's current regulatory fee collection procedures can be found in the *Report and Order on Assessment and Collection of Regulatory Fees for FY 2012.*[102] In FY 2013, the Commission will continue to promote greater use of technology (and less use of paper) in improving our regulatory fee notification and collection process. These changes and their effective dates are discussed in more detail below. Specifically, beginning on October 1, 2013, in FY 2014, we will no longer accept checks and hardcopy Form 159 remittance advice forms to pay regulatory fee obligations. In FY 2014, we will also transfer electronic invoicing and receivables collection to the Treasury. Finally, in FY 2014, we will no longer mail out initial CMRS assessments, and will instead require licensees to log into the Commission's Web site to view and revise their subscriber counts.

1. Discontinuation of Mail Outs of Initial CMRS Assessments, FY 2014

46. In FY 2014, as part of the Commission's effort to become more ''paperless,'' the Commission will no longer mail out its initial CMRS assessments but will require licensees to log into the Commission's Web site to view and revise their subscriber counts. A system currently exists for providers to revise their CMRS subscriber counts electronically after the CMRS assessments are mailed, and it is possible that this system can be expanded to include letters that can be downloaded to serve as the initial CMRS assessment letter. The Commission will provide more details in future announcements as this system is modified to accommodate this task.

2. Discontinuation of Paper and Check Transactions Beginning October 1, 2013 (FY 2014)

47. Together with the U.S. Department of Treasury, the Commission is taking further steps to meet the OMB Open Government Directive.[103] A component part of the Treasury's current flagship initiative pursuant to this Directive is moving to a paperless Treasury, which includes related activities in both disbursing and collecting select federal government payments and receipts.[104] Going paperless is expected to produce cost savings, reduce errors, and improve efficiencies across government. Accordingly, beginning on October 1, 2013, the Commission will no longer accept checks (including cashier's checks) and the accompanying hardcopy forms (e.g., Form 159's, Form 159–B's, Form 159–E's, Form 159–W's) for the payment of regulatory fees. This new paperless procedure will require that all payments be made by online ACH payment, online credit card, or wire transfer. Any other form of payment (*e.g.,* checks) will be rejected and sent back to the payor. So that the Commission can associate the wire payment with the correct regulatory fee information, an accompanying Form 159–E should still be transmitted via fax for wire transfers. This change will affect all payments of regulatory fees made on or after October 1, 2013.[105]

3. Transfers to Treasury, FY 2014

48. Under section 9 of the Act, Commission rules, and the debt collection laws, a licensee's regulatory fee is due on the first day of the fiscal year and payable at a date established by our annual regulatory fee Report and Order. The Commission will work with Treasury to facilitate end-to-end billing and collections capabilities for our receivables in the pre-delinquency stage. Under these revised procedures, the Commission will begin transferring appropriate receivables (unpaid regulatory fees) to Treasury at the end of the payment period instead of waiting for a period of 180 days from the date of delinquency to transfer a delinquent debt to Treasury for further collection action.[106] Accordingly, we anticipate that the transfer of FY 2013 debts to Treasury will occur much sooner than our current process. Regulatees, however, will not likely see any substantial change in the current procedures of how past due debts are to be paid. The Commission expects to modify its guidance and amend its rules accordingly.

[95] MMTC Comments at 1.

[96] MMTC Comments at 4.

[97] MMTC Comments at 4–5.

[98] MMTC Comments at 5.

[99] Fireweed Comments at 6.

[100] Fireweed Comments at 7.

[101] Fireweed Comments at 8.

[102] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2012,* Report and Order, 27 FCC Rcd 8390, 8395–97, paras. 17–20, 24–26 (2012) (*FY 2012 Report and Order*).

[103] Office of Management and Budget (OMB) Memorandum M–10–06, Open Government Directive, Dec. 8, 2009; *see also http://www.whitehouse.gov/the-press-office/2011/06/13/executive-order-13576-delivering-efficient-effective-and-accountable-gov.*

[104] *See* U.S. Department of the Treasury, Open Government Plan 2.1, Sept. 2012.

[105] Payors should note that this change will mean that to the extent certain entities have to date paid both regulatory fees and application fees at the same time via paper check, they will no longer be able to do so as the regulatory fees payment via paper check will no longer be accepted.

[106] *See* 31 U.S.C. 3711(g); 31 CFR 285.12; 47 CFR 1.1917.

V. Procedural Matters

A. Assessment Notifications

1. CMRS Cellular and Mobile Services Assessments

49. For regulatory fee collection in FY 2013, we will continue to follow our current procedures for conveying CMRS subscriber counts to providers. We will mail an initial assessment letter to Commercial Mobile Radio Service (CMRS) providers using data from the Numbering Resource Utilization Forecast (NRUF) report that is based on ''assigned'' number counts that have been adjusted for porting to net Type 0 ports (''in'' and ''out'').[107] The letter will include a listing of the carrier's Operating Company Numbers (OCNs) upon which the assessment is based.[108] The letters will not include OCNs with their respective assigned number counts, but rather, an aggregate total of assigned numbers for each carrier.

50. A carrier wishing to revise its subscriber count can do so by accessing Fee Filer after receiving its initial CMRS assessment letter. Providers should follow the prompts in Fee Filer to record their subscriber revisions, along with any supporting documentation.[109] The Commission will then review the revised count and supporting documentation and either approve or disapprove the submission in Fee Filer. If the submission is disapproved, the Commission will contact the provider to afford the provider an opportunity to discuss its revised subscriber count and/or provide additional supporting documentation. If we receive no response or correction to the initial assessment letter, or we do not reverse our initial disapproval of the provider's revised count submission, we expect the fee payment to be based on the number of subscribers listed on the initial assessment letter. Once the timeframe for revision has passed, the subscriber counts are final and are the basis upon which CMRS regulatory fees are expected to be paid. Providers can also view their final subscriber counts online in Fee Filer. A final CMRS assessment letter will not be mailed out.

51. Because some carriers do not file the NRUF report, they may not receive an initial assessment letter. In these instances, the carriers should compute their fee payment using the standard methodology that is currently in place for CMRS Wireless services (*i.e.,* compute their subscriber counts as of December 31, 2012), and submit their fee payment accordingly. Whether a carrier receives an assessment letter or not, the Commission reserves the right to audit the number of subscribers for which regulatory fees are paid. In the event that the Commission determines that the number of subscribers paid is inaccurate, the Commission will bill the carrier for the difference between what was paid and what should have been paid.

B. Payment of Regulatory Fees

1. Lock Box Bank

52. All lock box payments to the Commission for FY 2013 will be processed by U.S. Bank, St. Louis, Missouri, and payable to the FCC. During the fee season for collecting FY 2013 regulatory fees, regulatees can pay their fees by credit card through Pay.gov,[110] by check, money order, or debit card,[111] or by placing their credit card number on Form 159–E (Remittance Advice form) and mailing their fee and accompanying Form 159–E to the following address: Federal Communications Commission, Regulatory Fees, P.O. Box 979084, St. Louis, MO 63197–9000. Additional payment options and instructions are posted at *http://transition.fcc.gov/fees/regfees.html.*

2. Receiving Bank for Wire Payments

53. The receiving bank for all wire payments is the Federal Reserve Bank, New York, New York (TREAS NYC). When making a wire transfer, regulatees must fax a copy of their Fee Filer generated Form 159–E to U.S. Bank, St. Louis, Missouri at (314) 418–4232 at least one hour before initiating the wire transfer (but on the same business day) so as not to delay crediting their account. Regulatees should discuss arrangements (including bank closing schedules) with their bankers several days before they plan to make the wire transfer to allow sufficient time for the transfer to be initiated and completed before the deadline. Complete instructions for making wire payments are posted at *http://transition.fcc.gov/fees/wiretran.html.*

3. De Minimis Regulatory Fees

54. Regulatees whose total FY 2013 regulatory fee liability, including all categories of fees for which payment is due, is less than $10 are exempted from payment of FY 2013 regulatory fees.

4. Two Additional Fee Categories Will Be Established as Bills in FY 2013

55. Presently, the Commission establishes bills for a select group of regulatory fee categories: ITSPs, Geostationary (GSO) and Non-Geostationary (NGSO) satellite space station licensees,[112] holders of Cable Television Relay Service (CARS) licenses, and Earth Station licensees.[113] In FY 2009, the Commission stopped sending hardcopy bills to licensees, and made them electronically available in Fee Filer, the Commission's electronic filing and payment system. During the FY 2013 regulatory fee collection period, the Commission will expand its number of billing categories to include BRS/LMDS and Television Stations. There will be no change in the procedures of how BRS/LMDS and television station licensees view and pay their regulatory fees. The only noticeable difference will be that a bill number will be associated with each record for the BRS/LMDS and television station fee categories. This bill number will enable the Commission to

[107] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2005 and Assessment and Collection of Regulatory Fees for Fiscal Year 2004,* MD Docket Nos. 05–59 and 04–73, Report and Order and Order on Reconsideration, 20 FCC Rcd 12259, 12264, paras. 38–44 (2005).

[108] *Id.*

[109] In the supporting documentation, the provider will need to state a reason for the change, such as a purchase or sale of a subsidiary, the date of the transaction, and any other pertinent information that will help to justify a reason for the change.

[110] In accordance with U.S. Treasury Financial Manual Announcement No. A–2012–02, the U.S. Treasury will reject credit card transactions greater than $49,999.99 from a single credit card in a single day. This includes online transactions conducted via Pay.gov, transactions conducted via other channels, and direct-over-the counter transactions made at a U.S. Government facility. Individual credit card transactions larger than the $49,999.99 limit may not be split into multiple transactions using the same credit card, whether or not the split transactions are assigned to multiple days. Splitting a transaction violates card network and Financial Management Service (FMS) rules. However, credit card transactions exceeding the daily limit may be split between two or more different credit cards. Other alternatives for transactions exceeding the $49,999.99 credit card limit include payment by check, electronic debit from your bank account, and wire transfer.

[111] In accordance with U.S. Treasury Financial Manual Announcement No. A–2012–02, the maximum dollar-value limit for debit card transactions will be eliminated. It should also be noted that only Visa and MasterCard branded debit cards are accepted by Pay.gov.

[112] Geostationary orbit space station (GSO) licensees received regulatory fee pre-bills for satellites that (1) were licensed by the Commission and operational on or before October 1 of the respective fiscal year; and (2) were not co-located with and technically identical to another operational satellite on that date (i.e., were not functioning as a spare satellite). Non-geostationary orbit space station (NGSO) licensees received regulatory fee pre-bills for systems that were licensed by the Commission and operational on or before October 1 of the respective fiscal year.

[113] A bill is considered an account receivable in the Commission's accounting system. Bills reflect the amount owed and have a payment due date of the last day of the regulatory fee payment window. Consequently, if a bill is not paid by the due date, it becomes delinquent and is subject to our debt collection procedures. *See also* 47 CFR 1.1161(c), 1.1164(f)(5), and 1.1910.

determine more quickly those entities that have not paid their FY 2013 regulatory fees. This initiative is part of the Commission's effort to streamline and expedite the process of regulatory fee collection and accounting.

5. Standard Fee Calculations and Payment Dates

56. The Commission will accept fee payments made in advance of the window for the payment of regulatory fees. The responsibility for payment of fees by service category is as follows:

• *Media Services:* Regulatory fees must be paid for initial construction permits that were granted on or before October 1, 2012 for AM/FM radio stations, VHF/UHF full service television stations, and satellite television stations. Regulatory fees must be paid for all broadcast facility licenses granted on or before October 1, 2012. In instances where a permit or license is transferred or assigned after October 1, 2012, responsibility for payment rests with the holder of the permit or license as of the fee due date.

• *Wireline (Common Carrier) Services:* Regulatory fees must be paid for authorizations that were granted on or before October 1, 2012. In instances where a permit or license is transferred or assigned after October 1, 2012, responsibility for payment rests with the holder of the permit or license as of the fee due date. Audio bridging service providers are included in this category.[114]

• *Wireless Services:* CMRS cellular, mobile, and messaging services (fees based on number of subscribers or telephone number count): Regulatory fees must be paid for authorizations that were granted on or before October 1, 2012. The number of subscribers, units, or telephone numbers on December 31, 2012 will be used as the basis from which to calculate the fee payment. In instances where a permit or license is transferred or assigned after October 1, 2012, responsibility for payment rests with the holder of the permit or license as of the fee due date.

• The first eleven regulatory fee categories in our Schedule of Regulatory Fees (*see* Table 3 pay ''small multi-year wireless regulatory fees.'' Entities pay these regulatory fees in advance for the entire amount of their five-year or ten-year term of initial license, and only pay regulatory fees again when the license is renewed or a new license is obtained. We include these fee categories in our Schedule of Regulatory Fees to publicize our estimates of the number of ''small multi-year wireless'' licenses that will be renewed or newly obtained in FY 2013.

• *Multichannel Video Programming Distributor Services (cable television operators and CARS licensees):* Regulatory fees must be paid for the number of basic cable television subscribers as of December 31, 2012.[115] Regulatory fees also must be paid for CARS licenses that were granted on or before October 1, 2012. In instances where a permit or license is transferred or assigned after October 1, 2012, responsibility for payment rests with the holder of the permit or license as of the fee due date.

• *International Services:* Regulatory fees must be paid for earth stations, geostationary orbit space stations, and non-geostationary orbit satellite systems that were licensed and operational on or before October 1, 2012. In instances where a permit or license is transferred or assigned after October 1, 2012, responsibility for payment rests with the holder of the permit or license as of the fee due date.

• *International Services: Submarine Cable Systems:* Regulatory fees for submarine cable systems are to be paid on a per cable landing license basis based on circuit capacity as of December 31, 2012. In instances where a license is transferred or assigned after October 1, 2012, responsibility for payment rests with the holder of the license as of the fee due date. For regulatory fee purposes, the allocation in FY 2013 will remain at 87.6 percent for submarine cable and 12.4 percent for satellite/terrestrial facilities.

• *International Services: Terrestrial and Satellite Services:* Regulatory fees for International Bearer Circuits are to be paid by facilities-based common carriers that have active (used or leased) international bearer circuits as of December 31, 2012 in any terrestrial or satellite transmission facility for the provision of service to an end user or resale carrier, which includes active circuits to themselves or to their affiliates. In addition, non-common carrier satellite operators must pay a fee for each circuit sold or leased to any customer, including themselves or their affiliates, other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. ''Active circuits'' for these purposes include backup and redundant circuits as of December 31, 2012. Whether circuits are used specifically for voice or data is not relevant for purposes of determining that they are active circuits. In instances where a permit or license is transferred or assigned after October 1, 2012, responsibility for payment rests with the holder of the permit or license as of the fee due date. For regulatory fee purposes, the allocation in FY 2013 will remain at 87.6 percent for submarine cable and 12.4 percent for satellite/terrestrial facilities.

C. Enforcement

57. To be considered timely, regulatory fee payments must be received and stamped at the lockbox bank by the due date of regulatory fees. Section 9(c) of the Act requires us to impose a late payment penalty of 25 percent of the unpaid amount to be assessed on the first day following the deadline date for filing of these fees.[116] Failure to pay regulatory fees and/or any late penalty will subject regulatees to sanctions, including those set forth in section 1.1910 of the Commission's rules[117] and in the Debt Collection Improvement Act of 1996 (DCIA).[118] We also assess administrative processing charges on delinquent debts to recover additional costs incurred in processing and handling the related debt pursuant to the DCIA and section 1.1940(d) of the Commission's rules.[119] These administrative processing charges will be assessed on any delinquent regulatory fee, in addition to the 25 percent late charge penalty. In case of partial payments (underpayments) of regulatory fees, the payor will be given credit for the amount paid, but if it is later determined that the fee paid is incorrect or not timely paid, then the 25 percent late charge penalty (and other charges and/or sanctions, as appropriate) will be assessed on the portion that is not paid in a timely manner.

[114] Audio bridging services are toll teleconferencing services.

[115] Cable television system operators should compute their number of basic subscribers as follows: Number of single family dwellings + number of individual households in multiple dwelling unit (apartments, condominiums, mobile home parks, etc.) paying at the basic subscriber rate + bulk rate customers + courtesy and free service. Note: Bulk-Rate Customers = Total annual bulk-rate charge divided by basic annual subscription rate for individual households. Operators may base their count on ''a typical day in the last full week'' of December 2012, rather than on a count as of December 31, 2012.

[116] 47 U.S.C. 159(c).

[117] *See* 47 CFR 1.1910.

[118] Delinquent debt owed to the Commission triggers application of the ''red light rule'' which requires offsets or holds on pending disbursements. 47 CFR 1.1910. In 2004, the Commission adopted rules implementing the requirements of the DCIA. *See Amendment of Parts 0 and 1 of the Commission's Rules,* MD Docket No. 02–339, Report and Order, 19 FCC Rcd 6540 (2004); 47 CFR part 1, subpart O, Collection of Claims Owed the United States.

[119] 47 CFR 1.1940(d).

58. We will withhold action on any applications or other requests for benefits filed by anyone who is delinquent in any non-tax debts owed to the Commission (including regulatory fees) and will ultimately dismiss those applications or other requests if payment of the delinquent debt or other satisfactory arrangement for payment is not made.[120] Failure to pay regulatory fees can also result in the initiation of a proceeding to revoke any and all authorizations held by the entity responsible for paying the delinquent fee(s).

59. As a final matter, we note that providing a 30 day period after **Federal Register** publication before this Report and Order becomes effective as required by 5 U.S.C. 553(d) will not allow sufficient time for the Commission to collect the FY 2013 fees before the end of FY 2013 on September 30, 2013. For this reason, pursuant to 5 U.S.C. 553(d)(3) the Commission finds there is good cause to waive the requirements of Section 553(d), and this *Report and Order* will become effective upon publication in the **Federal Register**. Because payments of the regulatory fees will not actually be due until the middle of September persons affected by this Order will still have a reasonable period in which to prepare to make their payments and thereby comply with the rules established herein.

VI. Conclusion

60. In this Report and Order we reallocate regulatory fees to more accurately reflect the subject areas worked on by current Commission FTEs for FY 2013. We consider this our first step toward reforming the regulatory fee process and will continue to refine our regulatory fee methodology to achieve equitable results that are consistent with section 9 of the Act.

Table 5—Factors, Measurements, and Calculations That Determines Station Signal Contours and Associated Population Coverages

AM Stations

61. For stations with nondirectional daytime antennas, the theoretical radiation was used at all azimuths. For stations with directional daytime antennas, specific information on each day tower, including field ratio, phase, spacing, and orientation was retrieved, as well as the theoretical pattern root-mean-square of the radiation in all directions in the horizontal plane (''RMS'') figure (milliVolt per meter (mV/m) @ 1 km) for the antenna system. The standard, or augmented standard if pertinent, horizontal plane radiation pattern was calculated using techniques and methods specified in sections 73.150 and 73.152 of the Commission's rules.[121] Radiation values were calculated for each of 360 radials around the transmitter site. Next, estimated soil conductivity data was retrieved from a database representing the information in FCC Figure R3.[122] Using the calculated horizontal radiation values, and the retrieved soil conductivity data, the distance to the principal community (5 mV/m) contour was predicted for each of the 360 radials. The resulting distance to principal community contours were used to form a geographical polygon. Population counting was accomplished by determining which 2010 block centroids were contained in the polygon. (A block centroid is the center point of a small area containing population as computed by the U.S. Census Bureau.) The sum of the population figures for all enclosed blocks represents the total population for the predicted principal community coverage area.

FM Stations

62. The greater of the horizontal or vertical effective radiated power (''ERP'') (kW) and respective height above average terrain (''HAAT'') (m) combination was used. Where the antenna height above mean sea level (''HAMSL'') was available, it was used in lieu of the average HAAT figure to calculate specific HAAT figures for each of 360 radials under study. Any available directional pattern information was applied as well, to produce a radial-specific ERP figure. The HAAT and ERP figures were used in conjunction with the Field Strength (50–50) propagation curves specified in 47 CFR 73.313 of the Commission's rules to predict the distance to the principal community (70 dBu (decibel above 1 microVolt per meter) or 3.17 mV/m) contour for each of the 360 radials.[123] The resulting distance to principal community contours were used to form a geographical polygon. Population counting was accomplished by determining which 2010 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted principal community coverage area.

Table 6—FY 2012 Schedule of Regulatory Fees

The first eleven regulatory fee categories in the table below are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.

Fee category	Annual regulatory fee (U.S. $'s)
PLMRS (per license) (Exclusive Use) (47 CFR part 90)	35
Microwave (per license) (47 CFR part 101)	20
218–219 MHz (Formerly Interactive Video Data Service) (per license) (47 CFR part 95)	70
Marine (Ship) (per station) (47 CFR part 80)	10
Marine (Coast) (per license) (47 CFR part 80)	50
General Mobile Radio Service (per license) (47 CFR part 95)	5
Rural Radio (47 CFR part 22) (previously listed under the Land Mobile category)	15
PLMRS (Shared Use) (per license) (47 CFR part 90)	15
Aviation (Aircraft) (per station) (47 CFR part 87)	10
Aviation (Ground) (per license) (47 CFR part 87)	15
Amateur Vanity Call Signs (per call sign) (47 CFR part 97)	1.50
CMRS Mobile/Cellular Services (per unit) (47 CFR parts 20, 22, 24, 27, 80 and 90)	.17
CMRS Messaging Services (per unit) (47 CFR parts 20, 22, 24 and 90)	.08
Broadband Radio Service (formerly MMDS/MDS) (per license) (47 CFR part 27)	475
Local Multipoint Distribution Service (per call sign) (47 CFR, part 101)	475
AM Radio Construction Permits	550

[120] *See* 47 CFR 1.1161(c), 1.1164(f)(5), and 1.1910.

[121] 47 CFR 73.150 and 73.152.

[122] See Map of Estimated Effective Ground Conductivity in the United States, 47 CFR 73.190 Figure R3.

[123] 47 CFR 73.313

Fee category	Annual regulatory fee (U.S. $'s)
FM Radio Construction Permits	700
TV (47 CFR part 73) VHF Commercial:	
Markets 1–10	80,075
Markets 11–25	73,475
Markets 26–50	39,800
Markets 51–100	20,925
Remaining Markets	5,825
Construction Permits	5,825
TV (47 CFR part 73) UHF Commercial:	
Markets 1–10	35,350
Markets 11–25	32,625
Markets 26–50	21,925
Markets 51–100	12,750
Remaining Markets	3,425
Construction Permits	3,425
Satellite Television Stations (All Markets)	1,425
Construction Permits—Satellite Television Stations	895
Low Power TV, Class A TV, TV/FM Translators & Boosters (47 CFR part 74)	385
Broadcast Auxiliaries (47 CFR part 74)	10
CARS (47 CFR part 78)	475
Cable Television Systems (per subscriber) (47 CFR part 76)	.95
Interstate Telecommunication Service Providers (per revenue dollar)	.00375
Earth Stations (47 CFR part 25)	275
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes DBS Service (per operational station) (47 CFR part 100).	132,875
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25)	143,150
International Bearer Circuits—Terrestrial/Satellites (per 64KB circuit)	.26
International Bearer Circuits—Submarine Cable	See Table Below

FY 2012 RADIO STATION REGULATORY FEES

Population served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C0, C1 & C2
< = 25,000	$725	$600	$550	$625	$700	$875
25,001–75,000	1,475	1,225	850	950	1,425	1,550
75,001–150,000	2,200	1,525	1,125	1,600	1,950	2,875
150,001–500,000	3,300	2,600	1,675	1,900	3,025	3,750
500,001–1,200,000	4,775	3,975	2,800	3,175	4,800	5,525
1,200,001–3,000,00	7,350	6,100	4,200	5,075	7,800	8,850
>3,000,000	8,825	7,325	5,325	6,350	9,950	11,500

FY 2012 SCHEDULE OF REGULATORY FEES

[International Bearer Circuits—Submarine Cable]

Submarine cable systems (capacity as of December 31, 2011)	Fee amount	Address
< 2.5 Gbps	$13,300	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
2.5 Gbps or greater, but less than 5 Gbps	26,600	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
5 Gbps or greater, but less than 10 Gbps	53,200	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
10 Gbps or greater, but less than 20 Gbps.	106,375	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
20 Gbps or greater	212,750	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[124] an Initial Regulatory Flexibility Analysis (IRFA) was included in the *FY 2013 NPRM.* The Commission sought written public comment on the proposals in the *FY 2013 NPRM,* including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the IRFA.[125]

[124] 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612 has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 847 (1996).

[125] 5 U.S.C. 604.

A. Need for, and Objectives of, the Report and Order

2. In this Report and Order, we conclude the Assessment and Collection of Regulatory Fees for Fiscal Year (FY) 2013 proceeding to collect $339,844,000 in regulatory fees for FY 2013, pursuant to Section 9 of the Communications

Act [126] and the FY 2013 Continuing Appropriations Resolution.[127] These regulatory fees will be due in September 2013. Under section 9 of the Communications Act, regulatory fees are mandated by Congress and collected to recover the regulatory costs associated with the Commission's enforcement, policy and rulemaking, user information, and international activities.[128] In the *FY 2013 NPRM* we sought comment on our annual process of assessing regulatory fees to cover the Commission's costs to offset the Commission's FY 2013 appropriation, as directed by Congress. We also sought comment in the *FY 2013 NPRM* on reforming and revising our regulatory fee schedule for FY 2013 and beyond to take into account changes in the communications industry and changes in the Commission's regulatory processes and staffing in recent years.

3. The *FY 2013 NPRM* sought comment on, among other things, reallocating: (1) Direct FTEs [129] currently allocated to the Interstate Telecommunications Service Providers (ITSPs) fee category and other fee categories to reflect current workloads devoted to these subject areas; and (2) FTEs in the International Bureau to more accurately reflect the Commission's regulation and oversight of the International Bureau regulatees, because many of the International Bureau FTEs devote their time on issues international in nature, but not necessarily pertaining to the International Bureau regulatees. The *Report and Order* adopts these proposals, together with a limit on any increase in assessments to 7.5 percent to avoid fee shock to industry segments paying higher regulatory fees as a result of reallocation. In addition, for FY 2014, the Report and Order adds Internet Protocol TV (IPTV) to the cable television category because by assessing regulatory fees on cable television systems but not on IPTV, we may place cable providers at a competitive disadvantage. The *Report and Order also* combines UHF and VHF fee categories, also for FY 2014, because after the digital conversion there was no longer a basis in which to assess a higher regulatory fee on VHF channels.

4. The *Report and Order* also clarifies that licensees of Digital Low Power, Class A, and TV Translators/Boosters should pay only one regulatory fee on their analog or digital station, but not both. During the transition from analog to digital, licensees of Low Power, Class A, and TV Translator/Booster facilities may be operating in analog mode, in digital mode, or in an analog and digital simulcast mode. Therefore, for regulatory fee purposes, the Commission will assess a fee for each facility operating either in an analog or digital mode. In instances in which a licensee is simulcasting in both analog and digital modes, a single regulatory fee will be assessed for the analog facility and its corresponding digital component, but not for both facilities. In addition, the Report and Order announces that effective in FY 2014 all regulatory fee payments must be made electronically. The Report and Order also states that beginning in FY 2014 the Commission will no longer mail out initial regulatory fee assessments to CMRS licensees. Finally, the Commission will refer to the Department of the Treasury end-to-end billing and collection beginning in FY 2014.

B. Summary of the Significant Issues Raised by the Public Comments in Response to the IRFA

5. Fireweed Communications and Jeremy Lansman filed joint comments to the IRFA. They contend that the proposals in the *FY 2013 NPRM* greatly increase the reporting burden on small broadcasting entities requesting a fee waiver.[130] They also contend that the IRFA does not describe significant alternatives to the proposed rules or exemptions for small entities.[131] The Schedule of Regulatory Fees to be paid by radio and television broadcasters, which appears at 47 CFR 1153, takes into account the size of the market and/or size of the population served by the various classes of television and radio stations. Thus, consideration for smaller stations is already built in to the Commission's regulatory fee structure. Any station experiencing financial hardship from the fee increase adopted today can file for a waiver pursuant to 47 CFR 1.116. This *Report and Order* makes no change in the fee waiver procedure for any entities seeking a waiver. We have not proposed any changes in our regulatory fee process for small entities. We have not increased the reporting burden on small entities in this proceeding. These commenters appear to be seeking a change in the waiver process, which is outside the scope of this proceeding.

C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

6. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted.[132] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [133] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[134] A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[135] Nationwide, there are a total of approximately 27.9 million small businesses, according to the SBA.[136]

8. Wired Telecommunications Carriers. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of those 31,996, 1,818 operated with more than 100 employees, and 30,178 operated with fewer than 100 employees.[137] Thus, under this size standard, the majority of firms can be considered small.

9. Local Exchange Carriers (LECs). Neither the Commission nor the SBA

[126] 47 U.S.C. 159(a).

[127] In FY 2013, the Consolidated and Further Continuing Appropriations Act, Public Law 113–6 (2013) at Division F authorizes the Commission to collect offsetting regulatory fees at the level provided to the Commission's FY 2012 appropriation of $339,844.00. *See* Financial Services and General Government Appropriations Act, 2012, Division C of Public Law 112–74, 125 Stat. 108–9 (2011).

[128] 47 U.S.C. 159(a).

[129] One FTE, typically called a ''Full Time Equivalent,'' is a unit of measure equal to the work performed annually by a full time person (working a 40 hour workweek for a full year) assigned to the particular job, and subject to agency personnel staffing limitations established by the U.S. Office of Management and Budget. Any reference to FTE or ''Full Time Employee'' used herein refers to such Full Time Equivalent.

[130] Comments of Fireweed Communications and Jeremy Landsman at 2.

[131] *Id.*

[132] 5 U.S.C. 603(b)(3).

[133] 5 U.S.C. 601(6).

[134] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small-business concern'' in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[135] 15 U.S.C. 632.

[136] *See* SBA, Office of Advocacy, ''Frequently Asked Questions,'' *http://www.sba.gov/sites/default/files/FAQ_Sept_2012.pdf.*

[137] *See id.*

has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[138] According to Commission data, census data for 2007 shows that there were 31,996 establishments that operated that year. Of those 31,996, 1,818 operated with more than 100 employees, and 30,178 operated with fewer than 100 employees.[139] The Commission estimates that most providers of local exchange service are small entities that may be affected by the rules and policies proposed in the *FY 2013 NPRM.*

10. Incumbent LECs. Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[140] According to Commission data, 1,307 carriers reported that they were incumbent local exchange service providers.[141] Of these 1,307 carriers, an estimated 1,006 have 1,500 or fewer employees and 301 have more than 1,500 employees.[142] Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the rules and policies proposed in the *FY 2013 NPRM.*

11. Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers. Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[143] According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services.[144] Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees and 186 have more than 1,500 employees.[145] In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees.[146] In addition, 72 carriers have reported that they are Other Local Service Providers.[147] Of the 72, seventy have 1,500 or fewer employees and two have more than 1,500 employees.[148] Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities that may be affected by rules adopted pursuant to the proposals in this *FY 2013 NPRM.*

12. Interexchange Carriers (IXCs). Neither the Commission nor the SBA has developed a small business size standard specifically applicable to interexchange services. The applicable size standard under SBA rules is for the Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[149] According to Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services.[150] Of these 359 companies, an estimated 317 have 1,500 or fewer employees and 42 have more than 1,500 employees.[151] Consequently, the Commission estimates that the majority of interexchange service providers are small entities that may be affected by rules adopted pursuant to the *FY 2013 NPRM.*

13. Prepaid Calling Card Providers. Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. The appropriate size standard under SBA rules is for the category Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[152] Census data for 2007 show that 1,716 establishments provided resale services during that year. Of that number, 1,674 operated with fewer than 99 employees and 42 operated with more than 100 employees.[153] Thus under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities. According to Commission data, 193 carriers have reported that they are engaged in the provision of prepaid calling cards.[154] Of these, all 193 have 1,500 or fewer employees and none have more than 1,500 employees.[155] Consequently, the Commission estimates that the majority of prepaid calling card providers are small entities that may be affected by rules adopted pursuant to the *FY 2013 NPRM.*

14. Local Resellers. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[156] Census data for 2007 show that 1,716 establishments provided resale services during that year. Of that number, 1,674 operated with fewer than 99 employees and 42 operated with more than 100 employees.[157] Under this category and the associated small business size standard, the majority of these local resellers can be considered small entities. According to Commission data, 213 carriers have reported that they are engaged in the provision of local resale services.[158] Of these, an estimated 211 have 1,500 or fewer employees and two have more than 1,500 employees.[159] Consequently, the Commission estimates that the majority of local resellers are small entities that may be affected by rules adopted pursuant to the proposals in this *FY 2013 NPRM.*

15. Toll Resellers. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[160] Census data for 2007 show that 1,716 establishments provided resale services during that year. Of that number, 1,674 operated with fewer than 99 employees and 42 operated with more than 100

[138] 13 CFR 121.201, NAICS code 517110.

[139] *See id.*

[140] 13 CFR 121.201, NAICS code 517110.

[141] *See Trends in Telephone Service,* Federal Communications Commission, Wireline Competition Bureau, Industry Analysis and Technology Division at Table 5.3 (Sept. 2010) (*Trends in Telephone Service*).

[142] *Id.*

[143] 13 CFR 121.201, NAICS code 517110.

[144] *See Trends in Telephone Service,* at tbl. 5.3.

[145] *Id.*

[146] *Id.*

[147] *Id.*

[148] *Id.*

[149] 13 CFR 121.201, NAICS code 517110.

[150] *See Trends in Telephone Service,* at tbl. 5.3.

[151] *Id.*

[152] 13 CFR 121.201, NAICS code 517911.

[153] *http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ2&prodType=table.*

[154] *See Trends in Telephone Service,* at tbl. 5.3.

[155] *Id.*

[156] 13 CFR 121.201, NAICS code 517911.

[157] *http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ2&prodType=table.*

[158] *See Trends in Telephone Service,* at tbl. 5.3.

[159] *Id.*

[160] 13 CFR 121.201, NAICS code 517911.

employees.[161] Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services.[162] Of these, an estimated 857 have 1,500 or fewer employees and 24 have more than 1,500 employees.[163] Consequently, the Commission estimates that the majority of toll resellers are small entities that may be affected by our proposals in the *FY 2013 NPRM.*

16. Other Toll Carriers. Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[164] Census data for 2007 shows that there were 31,996 establishments that operated that year. Of those 31,996, 1,818 operated with more than 100 employees, and 30,178 operated with fewer than 100 employees.[165] Thus, under this category and the associated small business size standard, the majority of Other Toll Carriers can be considered small. According to Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage.[166] Of these, an estimated 279 have 1,500 or fewer employees and five have more than 1,500 employees.[167] Consequently, the Commission estimates that most Other Toll Carriers are small entities that may be affected by the rules and policies adopted pursuant to the *FY 2013 NPRM.*

17. Wireless Telecommunications Carriers (except Satellite). Since 2007, the SBA has recognized wireless firms within this new, broad, economic census category.[168] Prior to that time, such firms were within the now-superseded categories of Paging and Cellular and Other Wireless Telecommunications.[169] Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees.[170] For this category, census data for 2007 show that there were 11,163 establishments that operated for the entire year.[171] Of this total, 10,791 establishments had employment of 999 or fewer employees and 372 had employment of 1000 employees or more.[172] Thus, under this category and the associated small business size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities that may be affected by our proposed action.

18. Similarly, according to Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services.[173] Of these, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees.[174] Consequently, the Commission estimates that approximately half or more of these firms can be considered small. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

19. Cable Television and other Program Distribution. Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers; that category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.''[175] The SBA has developed a small business size standard for this category, which is: all such firms having 1,500 or fewer employees.[176] Census data for 2007 shows that there were 31,996 establishments that operated that year. Of those 31,996, 1,818 had more than 100 employees, and 30,178 operated with fewer than 100 employees. Thus under this size standard, the majority of firms offering cable and other program distribution services can be considered small and may be affected by rules adopted pursuant to the *FY 2013 NPRM.*

20. Cable Companies and Systems. The Commission has developed its own small business size standards, for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers, nationwide.[177] Industry data indicate that, of 1,076 cable operators nationwide, all but eleven are small under this size standard.[178] In addition, under the Commission's rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers.[179] Industry data indicate that, of 6,635 systems nationwide, 5,802 systems have under 10,000 subscribers, and an additional 302 systems have 10,000–19,999 subscribers.[180] Thus, under this second size standard, most cable systems are small and may be affected by rules adopted pursuant to the *FY 2013 NPRM.*

21. All Other Telecommunications. The Census Bureau defines this industry as including ''establishments primarily engaged in providing specialized

[161] *http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ2&prodType=table.*

[162] *Trends in Telephone Service,* at tbl. 5.3.

[163] *Id.*

[164] 13 CFR 121.201, NAICS code 517110.

[165] *Id.*

[166] *Trends in Telephone Service,* at tbl. 5.3.

[167] *Id.*

[168] 13 CFR 121.201, NAICS code 517210.

[169] U.S. Census Bureau, 2002 NAICS Definitions, ''517211 Paging,'' available at *http://www.census.gov/cgibin/sssd/naics/naicsrch?code=517211&search=2002%20NAICS%20Search;* U.S. Census Bureau, 2002 NAICS Definitions, ''517212 Cellular and Other Wireless Telecommunications,'' available at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517212&search=2002%20NAICS%20Search.*

[170] 13 CFR 121.201, NAICS code 517210. The now-superseded, pre-2007 CFR citations were 13 CFR 121.201, NAICS codes 517211 and 517212 (referring to the 2002 NAICS).

[171] U.S. Census Bureau, Subject Series: Information, Table 5, ''Establishment and Firm Size: Employment Size of Firms for the United States: 2007 NAICS Code 517210'' (issued Nov. 2010).

[172] *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with ''100 employees or more.''

[173] *Trends in Telephone Service,* at tbl. 5.3.

[174] *Id.*

[175] U.S. Census Bureau, 2007 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' (partial definition), available at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517110&search=2007%20NAICS%20Search.*

[176] 13 CFR 121.201, NAICS code 517110.

[177] *See* 47 CFR 76.901(e). The Commission determined that this size standard equates approximately to a size standard of $100 million or less in annual revenues. *See Implementation of Sections of the 1992 Cable Television Consumer Protection and Competition Act: Rate Regulation,* MM Docket Nos. 92–266, 93–215, Sixth Report and Order and Eleventh Order on Reconsideration, 10 FCC Rcd 7393, 7408, para. 28 (1995).

[178] These data are derived from R.R. BOWKER, BROADCASTING & CABLE YEARBOOK 2006, ''Top 25 Cable/Satellite Operators,'' pages A–8 & C–2 (data current as of June 30, 2005); WARREN COMMUNICATIONS NEWS, TELEVISION & CABLE FACTBOOK 2006, ''Ownership of Cable Systems in the United States,'' pages D–1805 to D–1857.

[179] *See* 47 CFR 76.901(c).

[180] WARREN COMMUNICATIONS NEWS, TELEVISION & CABLE FACTBOOK 2006, ''U.S. Cable Systems by Subscriber Size,'' page F–2 (data current as of Oct. 2007). The data do not include 851 systems for which classifying data were not available.

telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing Internet services or Voice over Internet Protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.'' [181] The SBA has developed a small business size standard for this category; that size standard is $30.0 million or less in average annual receipts.[182] According to Census Bureau data for 2007, there were 2,623 firms in this category that operated for the entire year.[183] Of these, 2478 establishments had annual receipts of under $10 million and 145 establishments had annual receipts of $10 million or more.[184] Consequently, we estimate that the majority of these firms are small entities that may be affected by our action. In addition, some small businesses whose primary line of business does not involve provision of communications services hold FCC licenses or other authorizations for purposes incidental to their primary business. We do not have a reliable estimate of how many of these entities are small businesses.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

22. This Report and Order does not adopt any new reporting, recordkeeping, or other compliance requirements.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

23. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives, among others: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[185]

24. This *Report and Order* does not adopt any new reporting requirements. Therefore no adverse economic impact on small entities will be sustained based on reporting requirements. There may be a regulatory fee increase on small entities, in some cases and in some industries, but if so it would be specifically in furtherance of the reform measures proposed in the *Notice* to better align regulatory fees with Commission FTEs in core bureaus, as required under section 9 of the Act. We are mitigating fee increases to small entities, and other entities, by, for example, limiting or capping the annual increase in regulatory fees to 7.5 percent. Absent a cap, the cable fee would increase approximately an additional 15 percent. In keeping with the requirements of the Regulatory Flexibility Act, in paragraphs 10 to 28 of this *Report and Order,* we have considered certain alternative means of mitigating the effects of fee increases to a particular industry segment. In addition, the Commission's rules provide a process by which regulatory fee payors may seek waivers or other relief on the basis of financial hardship. 47 CFR 1.1166

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

26. None.

VII. Ordering Clauses

63. Accordingly, *it is ordered* that, pursuant to Sections 4(i) and (j), 9, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 159, and 303(r), this *Report and Order is hereby adopted.*

64. *It is further ordered* that, as provided in paragraph 59, this *Report and Order shall be effective* upon publication in the **Federal Register**.

65. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

List of Subjects in 47 CFR Part 1

Practice and procedure.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.;* 47 U.S.C. 151, 154(i) , 154(j) , 155, 157, 225, 303(r) , 309, and 310. Cable Landing License Act of 1921, 47 U.S.C. 35–39, and the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96.

■ 2. Section 1.1152 is revised to read as follows:

§ 1.1152 Schedule of annual regulatory fees and filing locations for wireless radio services.

Exclusive use services (per license)	Fee amount [1]	Address
1. Land Mobile (Above 470 MHz and 220 MHz Local, Base Station & SMRS) (47 CFR part 90)		
(a) New, Renew/Mod (FCC 601 & 159)	$40.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159).	40.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(c) Renewal Only (FCC 601 & 159)	40.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	40.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
220 MHz Nationwide (a) New, Renew/Mod (FCC 601 & 159).	40.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159).	40.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.

[181] U.S. Census Bureau, ''2007 NAICS Definitions: 517919 All Other Telecommunications,'' available at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517919&search=2007%20NAICS%20Search.*

[182] 13 CFR 121.201, NAICS code 517919.

[183] U.S. Census Bureau, 2007 Economic Census, Subject Series: Information, Table 4, ''Establishment and Firm Size: Receipts Size of Firms for the United States: 2007 NAICS Code 517919'' (issued Nov. 2010).

[184] *Id.*

[185] 5 U.S.C. 603(c)(1)–(c)(4).

Exclusive use services (per license)	Fee amount [1]	Address
(c) Renewal Only (FCC 601 & 159)	40.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	40.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
2. Microwave (47 CFR Pt. 101) (Private)		
(a) New, Renew/Mod (FCC 601 & 159)	20.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159).	20.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(c) Renewal Only (FCC 601 & 159)	20.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	20.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
3. 218–219 MHz Service		
(a) New, Renew/Mod (FCC 601 & 159)	75.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159).	75.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(c) Renewal Only (FCC 601 & 159)	75.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	75.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
4. Shared Use Services		
Land Mobile (Frequencies Below 470 MHz—except 220 MHz).		
(a) New, Renew/Mod (FCC 601 & 159)	15.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159).	15.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(c) Renewal Only (FCC 601 & 159)	15.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	15.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
General Mobile Radio Service.		
(a) New, Renew/Mod (FCC 605 & 159)	5.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renew/Mod (Electronic Filing) (FCC 605 & 159).	5.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(c) Renewal Only (FCC 605 & 159)	5.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Filing) (FCC 605 & 159)	5.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
Rural Radio (Part 22).		
(a) New, Additional Facility, Major Renew/Mod (Electronic Filing) (FCC 601 & 159).	15.00	FCC, P.O. Box 979097, St. Louis, MO, 63197–9000
(b) Renewal, Minor Renew/Mod (Electronic Filing) (FCC 601 & 159).	15.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
Marine Coast.		
(a) New Renewal/Mod (FCC 601 & 159)	55.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renewal/Mod (Electronic Filing) (FCC 601 & 159).	55.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(c) Renewal Only (FCC 601 & 159)	55.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	55.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000
Aviation Ground.		
(a) New, Renewal/Mod (FCC 601 & 159)	15.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renewal/Mod (Electronic Filing) (FCC 601 & 159).	15.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(c) Renewal Only (FCC 601 & 159)	15.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Only) (FCC 601 & 159)	15.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
Marine Ship.		
(a) New, Renewal/Mod (FCC 605 & 159)	10.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renewal/Mod (Electronic Filing) (FCC 605 & 159).	10.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(c) Renewal Only (FCC 605 & 159)	10.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Filing) (FCC 605 & 159)	10.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000
Aviation Aircraft.		
(a) New, Renew/Mod (FCC 605 & 159)	10.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) New, Renew/Mod (Electronic Filing) (FCC 605 & 159).	10.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(c) Renewal Only (FCC 605 & 159)	10.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(d) Renewal Only (Electronic Filing) (FCC 605 & 159)	10.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
5. Amateur Vanity Call Signs		
(a) Initial or Renew (FCC 605 & 159)	1.61	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
(b) Initial or Renew (Electronic Filing) (FCC 605 & 159)	1.61	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
6. CMRS Cellular/Mobile Services (per unit) (FCC 159).	.18 [2]	FCC, P.O. Box 979084, St. Louis, MO 63197–9000.
7. CMRS Messaging Services (per unit) (FCC 159)	.08 [3]	FCC, P.O. Box 979084, St. Louis, MO 63197–9000.
8. Broadband Radio Service (formerly MMDS and MDS)	510	FCC, P.O. Box 979084, St. Louis, MO 63197–9000.
9. Local Multipoint Distribution Service	510	FCC, P.O. Box 979084, St. Louis, MO 63197–9000.

[1] Note that ''small fees'' are collected in advance for the entire license term. Therefore, the annual fee amount shown in this table that is a small fee (categories 1 through 5) must be multiplied by the 5-or 10-year license term, as appropriate, to arrive at the total amount of regulatory fees owed. It should be further noted that application fees may also apply as detailed in § 1.1102 of this chapter.

[2] These are standard fees that are to be paid in accordance with § 1.1157(b) of this chapter.

[3] These are standard fees that are to be paid in accordance with § 1.1157(b) of this chapter.

■ 3. Section 1.1153 is revised to read as follows:

§ 1.1153 Schedule of annual regulatory fees and filing locations for mass media services.

Radio [AM and FM] (47 CFR part 73)	Fee amount	Address
1. *AM Class A*		
<=25,000 population	$775	FCC, Radio, P.O. Box 979084, St. Louis, MO 63197–9000.
25,001–75,000 population	1,550	
75,001–150,000 population	2,325	
150,001–500,000 population	3,475	
500,001–1,200,000 population	5,025	
1,200,001–3,000,000 population	7,750	
>3,000,000 population	9,300	
2. *AM Class B*		
<=25,000 population	645	FCC, Radio, P.O. Box 979084, St. Louis, MO 63197–9000.
25,001–75,000 population	1,300	
75,001–150,000 population	1,625	
150,001–500,000 population	2,750	
500,001–1,200,000 population	4,225	
1,200,001–3,000,000 population	6,500	
>3,000,000 population	7,800	
3. *AM Class C*		
<=25,000 population	590	FCC, Radio, P.O. Box 979084, St. Louis, MO 63197–9000.
25,001–75,000 population	900	
75,001–150,000 population	1,200	
150,001–500,000 population	1,800	
500,001–1,200,000 population	3,000	
1,200,001–3,000,000 population	4,500	
>3,000,000 population	5,700	
4. *AM Class D*		
<=25,000 population	670	FCC, Radio, P.O. Box 979084, St. Louis, MO 63197–9000.
25,001–75,000 population	1,000	
75,001–150,000 population	1,675	
150,001–500,000 population	2,025	
500,001–1,200,000 population	3,375	
1,200,001–3,000,000 population	5,400	
>3,000,000 population	6,750	
5. AM Construction Permit	590	FCC, Radio, P.O. Box 979084, St. Louis, MO 63197–9000.
6. *FM Classes A, B1 and C3*		
<=25,000 population	750	FCC, Radio, P.O. Box 979084, St. Louis, MO 63197–9000.
25,001–75,000 population	1,500	
75,001–150,000 population	2,050	
150,001–500,000 population	3,175	
500,001–1,200,000 population	5,050	
1,200,001–3,000,000 population	8,250	
>3,000,000 population	10,500	
7. *FM Classes B, C, C0, C1 and C2*		
<=25,000 population	925	FCC, Radio, P.O. Box 979084, St. Louis, MO 63197–9000.
25,001–75,000 population	1,625	
75,001–150,000 population	3,000	
150,001–500,000 population	3,925	
500,001–1,200,000 population	5,775	
1,200,001–3,000,000 population	9,250	
>3,000,000 population	12,025	
8. FM Construction Permits	750	FCC, Radio, P.O. Box 979084, St. Louis, MO, 3197–9000.
TV (47 CFR, part 73) VHF Commercial		
1. Markets 1 thru 10	86,075	FCC, TV Branch, P.O. Box 979084, St. Louis, MO 63197–9000.
2. Markets 11 thru 25	78,975	
3. Markets 26 thru 50	42,775	
4. Markets 51 thru 100	22,475	
5. Remaining Markets	6,250	
6. Construction Permits	6,250	
UHF Commercial		
1. Markets 1 thru 10	38,000	FCC,UHF Commercial, P.O. Box 979084, St. Louis, MO 63197–9000.
2. Markets 11 thru 25	35,050	
3. Markets 26 thru 50	23,550	
4. Markets 51 thru 100	13,700	
5. Remaining Markets	3,675	
6. Construction Permits	3,675	
Satellite UHF/VHF Commercial		
1. All Markets	1,525	FCC Satellite TV, P.O. Box 979084, St. Louis, MO 63197–9000.
2. Construction Permits	960	

Radio [AM and FM] (47 CFR part 73)	Fee amount	Address
Low Power TV, Class A TV, TV/FM Translator, & TV/FM Booster (47 CFR part 74).	410	FCC, Low Power, P.O. Box 979084, St. Louis, MO 63197–9000.
Broadcast Auxiliary	10	FCC, Auxiliary, P.O. Box 979084, St. Louis, MO 63197–9000.

■ 4. Section 1.1154 is revised to read as follows:

§ 1.1154 Schedule of annual regulatory charges and filing locations for common carrier services.

Radio facilities	Fee amount	Address
1. Microwave (Domestic Public Fixed) (Electronic Filing) (FCC Form 601 & 159).	$20.00	FCC, P.O. Box 979097, St. Louis, MO 63197–9000.
Carriers		
1. Interstate Telephone Service Providers (per interstate and international end-user revenues (see FCC Form 499–A).	.00347	FCC, Carriers P.O. Box 979084, St. Louis, MO 63197–9000.

■ 5. Section 1.1155 is revised to read as follows:

§ 1.1155 Schedule of regulatory fees and filing locations for cable television services.

	Fee amount	Address
1. Cable Television Relay Service	$510	FCC, Cable, P.O. Box 979084, St. Louis, MO 63197–9000.
2. Cable TV System (per subscriber)	1.02	

■ 6. Section 1.1156 is revised to read as follows:

§ 1.1156 Schedule of regulatory fees and filing locations for international services.

(a) The following schedule applies for the listed services:

Fee category	Fee amount	Address
Space Stations (Geostationary Orbit)	$139,100	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
Space Stations (Non-Geostationary Orbit)	149,875	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
Earth Stations: Transmit/Receive & Transmit only (per authorization or registration).	275	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.

(b)(1) *International Terrestrial and Satellite.* Regulatory fees for International Bearer Circuits are to be paid by facilities-based common carriers that have active (used or leased) international bearer circuits as of December 31 of the prior year in any terrestrial or satellite transmission facility for the provision of service to an end user or resale carrier, which includes active circuits to themselves or to their affiliates. In addition, non-common carrier satellite operators must pay a fee for each circuit sold or leased to any customer, including themselves or their affiliates, other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. ''Active circuits'' for these purposes include backup and redundant circuits. In addition, whether circuits are used specifically for voice or data is not relevant in determining that they are active circuits.

(2) The fee amount, per active 64 KB circuit or equivalent will be determined for each fiscal year. Payment, if mailed, shall be sent to: FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.

International terrestrial and satellite (capacity as of December 31, 2012)	Fee amount	Address
Terrestrial Common Carrier Satellite Common Carrier Satellite Non-Common Carrier	$0.27 per 64 KB Circuit	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000

(c) *Submarine cable.* Regulatory fees for submarine cable systems will be paid annually, per cable landing license, for all submarine cable systems operating as of December 31 of the prior year. The fee amount will be determined by the Commission for each fiscal year. Payment, if mailed, shall be sent to: FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.

Submarine cable systems (capacity as of Dec. 31, 2012)	Fee amount	Address
< 2.5 Gbps	$13,600	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
2.5 Gbps or greater, but less than 5 Gbps	27,200	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
5 Gbps or greater, but less than 10 Gbps	54,425	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
10 Gbps or greater, but less than 20 Gbps	108,850	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.
20 Gbps or greater	217,675	FCC, International, P.O. Box 979084, St. Louis, MO 63197–9000.

[FR Doc. 2013–20516 Filed 8–22–13; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Chapter 2

Defense Federal Acquisition Regulation Supplement; Appendix A, Armed Services Board of Contract Appeals, Part 1—Charter

CFR Correction

■ In Title 48 of the Code of Federal Regulations, Chapter 2 (Parts 201 to 299), revised as of October 1, 2012, on page 573, in Appendix A to Chapter 2, add two lines to the list immediately preceding Part 1—Charter to read as follows:

Appendix A to Chapter 2—Armed Services Board of Contract Appeals

* * * * *

Armed Services Board of Contract Appeals

* * * * *

Revised 27 June 2000.
Revised 14 May 2007.

* * * * *

[FR Doc. 2013–20699 Filed 8–22–13; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 365

Transfers of Operating Authority Registration

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Interpretation.

SUMMARY: FMCSA provides notice concerning the Agency's new process and legal interpretation for recording transfers of operating authority registration by non-exempt for-hire motor carriers, property brokers and freight forwarders.

DATES: The process and interpretation are effective October 22, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Secrist, Office of Registration and Safety Information, U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone (202) 385–2367 or *FMCSAOATransfers@dot.gov*. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

As part of an ongoing assessment of Agency processes and its retrospective review of regulations, *see* E.O. 13563, 76 FR 3221 (Jan. 21, 2011); 5 U.S.C. 610, FMCSA reexamined its legal authority for continued enforcement of 49 CFR part 365, subpart D, ''Transfer of Operating Rights under 49 U.S.C. 10926.'' As discussed in the Supplemental Notice of Proposed Rulemaking for the Unified Registration System (URS), 76 FR 66506, 66511 (October 26, 2011), and in the URS Final Rule, published elsewhere in today's **Federal Register**, Congress repealed former 49 U.S.C. 10926 as part of the ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803 (Dec. 29, 1995) (ICCTA), and with it the express authority previously granted to FMCSA's predecessor agency (in this case, the former Interstate Commerce Commission (ICC)) to review and approve transfers of operating authority.

However, Congress did not prohibit the practice—long recognized under the ICC regulation—of transferring operating authority rights, nor did it rescind subpart D or otherwise prohibit the Agency from continuing to review and approve such transfers. The ICCTA and its legislative history were silent regarding the continued effect of the regulatory provisions then in place for transfers of operating rights, and the provisions have remained substantially unchanged since 1996, in 49 CFR part 365, subpart D. Moreover, the Agency continues to have a duty under 49 U.S.C. 13902 to register motor carriers that are fit, willing, and able to comply with applicable statutory and regulatory requirements. And transfer approvals historically have been a reasonable and effective part of that program.

As a result of the highly specific and more limited nature of operating authority, which historically was defined by such factors as restricted commodity and territorial scope, specified regular route designations for passenger carriers, and types of service such as contract and common carrier operations, the regulated community came to treat operating authority as an asset of commercial value. Essentially operating authority was recognized as a property right that could be bought and sold, and thus transferred among disparate controlling interests, without disrupting the continuity of regulatory oversight or even warranting a change in registration number to reflect an ownership change. Indeed, when FMCSA's predecessor Agency, the Federal Highway Administration, proposed removing the 49 CFR part 365, subpart D, transfer regulations in response to the ICCTA's repeal of 49 U.S.C. 10926 (63 FR 7362, February 13, 1998), a number of industry commenters objected, noting that transfers were an institutionalized part of the regulatory environment that minimized registration costs and contributed to oversight and tracking of the carrier population. See 70 FR 28990, 28995–28996 (May 19, 2005). FMCSA subsequently withdrew the proposal to remove the transfer regulations in 49 CFR part 365, subpart D (66 FR 27059, May 16, 2001). But when the Agency again proposed in the URS rulemaking to eliminate the part 365 transfer approval process (70 FR 28990, 28996, May 19, 2005), the public comment record again acknowledged that operating authority transfers were an established industry practice and

should be permitted to continue when they were part of purchase transactions involving entire carrier operations, so long as they were effectively monitored by the Agency. See, e.g., the discussion of comments submitted by the Transportation Intermediaries Association in the URS Final Rule, published elsewhere in today's **Federal Register**.

It is important to note, however, that the concept of motor carrier operating authority registration as an asset of commercial value has lost much of its relevance under today's regulatory structure, where operating authority is defined by comprehensive service options (e.g.,, without common and contract carrier service distinctions), unrestricted routes, and nationwide territorial scope. See, e.g., 49 U.S.C. 13102(14), as amended (no longer reflecting contract and common carrier operating authority designations in definition of ''motor carrier''); Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers Over Regular Routes, 74 FR 2895 (January 16, 2009).

Taking account of these industry and operating authority realities, the repeal of the express transfer approval authority of former 49 U.S.C. 10926, and the nature of the Agency's residual authority to consider transfers, FMCSA is discontinuing the transfer review and approval process. While the Agency will no longer accept or review requests to approve transfers of operating authority, we believe it is in the public interest and a necessary feature of our commercial and safety oversight roles to record information about the resulting ownership and control consequences when non-exempt for-hire motor carriers, brokers, or freight forwarders registered under 49 U.S.C. chapter 139 merge, transfer, or lease their operating rights. Accordingly, we have revised the processes for recording operating authority transfers to ensure that, although formal Agency review and approval is no longer involved, FMCSA's information systems continue to reflect complete and accurate information concerning operating authority registration and enable the Agency to identify parties responsible for the business operations.

For the reasons amplified above, effective October 22, 2013, the Agency will no longer process applications for transfer of operating authority, issue transfer approvals, or require the $300 fee formerly associated with such applications. Under the new transfer recordation process, both transferors and transferees will be asked to provide basic identifying information concerning their business operations, ownership, and control, e.g., name, business form, business address, and name(s) of owner(s) and officers. No application form is required, and no transfer fee applies. After the information is entered in FMCSA's information systems, parties to transfer transactions will receive Agency notification of recordation of the resulting operating authority ownership.

Although ICCTA removed the Agency's express authority under former 49 U.S.C. 10926 to approve operating authority transfers, it did not eliminate the inherent authority to oversee transfers nor prohibit FMCSA from recording or monitoring the ownership or commercial and operational safety consequences of the transfer transaction. Indeed, FMCSA's statutory authority permits it to obtain information from motor carriers, brokers, and freight forwarders, and from the employees of such entities, that the Agency deems necessary and relevant to ensure operational safety and commercial integrity.

Legal authority for the Agency to record and track transfers of operating authority in this manner can be found at 49 U.S.C. 13301 and 31133. Under 49 U.S.C. 13301(b), the Agency is delegated broad authority to obtain information regarding carriers, brokers, and forwarders necessary to carry out its commercial regulatory responsibilities, as enumerated in title 49, subtitle IV, part B. In addition, 49 U.S.C. 31133(a)(8) authorizes the Secretary to prescribe recordkeeping and reporting requirements for motor carriers and other entities subject to the Agency's safety oversight.

Information provided under the transfer recordation process will ensure that the Agency's information technology systems are up to date and that the safety history associated with a regulated entity's operating authority and its corresponding USDOT Number remains connected with that operating authority, regardless of any changes in ownership or control.

Issued on: August 15, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–20443 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563–3148–02]

RIN 0648–XC816

Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for arrowtooth flounder in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2013 arrowtooth flounder initial total allowable catch (ITAC) in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 21, 2013, through 2400 hrs, A.l.t., December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2013 arrowtooth flounder ITAC in the BSAI is 21,250 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013). In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2013 arrowtooth flounder ITAC in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 16,250 mt, and is setting aside the remaining 5,000 mt as incidental catch. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for arrowtooth flounder in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of arrowtooth flounder to directed fishing in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 19, 2013.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 20, 2013.

James P. Burgess,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–20610 Filed 8–20–13; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 164
Friday, August 23, 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

Rural Housing Service

7 CFR Part 3550

RIN 0575–AC88

Single Family Housing Direct Loan Program

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed rule and information collection; request for comments.

SUMMARY: Through this action, the Rural Housing Service (RHS) is proposing to amend its regulations for the section 502 direct single family housing loan program to create a certified loan application packaging process for eligible loan application packagers. Loan application packagers, who are separate and independent from the Agency, provide an optional service to parties seeking mortgage loans by helping them navigate the loan application process. Currently, packagers assisting parties applying for section 502 direct loans do so under an informal arrangement, which is free from Agency oversight or minimum competency standards. This proposed rule will impose experience, training, proficiency, and structure requirements on eligible service providers. This proposed rule also regulates the packaging fee that will be allowed under this process.

By establishing a vast network of competent, experienced, and committed Agency-certified packagers, this action is intended to benefit low- and very low-income people who wish to achieve homeownership in rural areas by increasing their awareness of the Agency's housing program, increasing specialized support available to them to complete the application for assistance, and improving the quality of loan application packages submitted on their behalf.

DATES: Comments on the proposed rule and the information collection under the Paperwork Reduction Act of 1995 must be received on or before October 22, 2013.

ADDRESSES: You may submit comments to this rule by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, STOP 0742, 1400 Independence Avenue SW., Washington, DC 20250–0742.
- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail or another mail courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street SW., 7th Floor, Suite 701, Washington, DC 20024.

All written comments will be available for public inspection during regular work hours at the 300 7th Street SW., address listed above.

FOR FURTHER INFORMATION CONTACT: Brooke Baumann, Finance and Loan Analyst, Single Family Housing Direct Loan Division, USDA Rural Development, Stop 0783, 1400 Independence Avenue SW., Washington, DC 20250–0783, Telephone: 202–690–4250. Email: *brooke.baumann@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority

Title V, Section 1480(k) of the Housing Act authorizes the Secretary of Agriculture to promulgate rules and regulations as deemed necessary to carry out the purpose of that title.

Executive Order 12866

The Office of Management and Budget (OMB) has designated this rule as significant under Executive Order 12866 and, therefore, OMB has reviewed this proposed rule. A regulatory impact analysis of this rule is summarized below and is available from *www.regulations.gov.*

Regulatory Impact Analysis Summary

In accordance with this EO, the Agency identified and compared the costs and benefits associated with creating a certified loan application packaging process from the borrower's perspective and from the Agency's perspective.

The analysis concluded that for borrowers that elect to submit an application through the certified loan application packaging process, their increased loan costs are more than offset by the benefits they will ultimately experience (largely being made aware of an affordable homeownership program that they may not have otherwise heard of and having a knowledgeable and committed packager hold their hand through the entire application process). The packaging fee will translate to an increase in the borrower's monthly mortgage payment of up to $6.09 (based on the full note rate in effect during December of 2012 and standard terms). Because many borrowers receive the maximum payment assistance allowed, the increase they will actually see in their monthly billing statements is up to $4.46 (based on an effective interest rate of one percent and standard terms).

For the Agency, using loan funds to finance the packaging fee (provided the borrower has repayment ability for this additional cost and the total secured indebtedness is within the limit outlined in § 3550.63) is highly beneficial from a salaries and time savings standpoint as well as from a marketing and transportation standpoint. Implementing this proposed rule will save the Agency approximately $1.5 million in salaries and expenses per fiscal year in comparison to maintaining the status quo.

Executive Order 12988, Civil Justice Reform

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Except where specified, all State and local laws and regulations that are in direct conflict with this rule will be preempted. Federal funds carry Federal requirements. No person is required to apply for funding under this program, but if they do apply and are selected for funding, they must comply with the requirements applicable to the Federal program funds. This rule is not retroactive. It will not affect agreements entered into prior to the effective date of the rule. Before any judicial action may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR part 11 must be exhausted.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public

Law 104–4, establishes requirements for Federal agencies to assess the effect of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Agency generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million, or more, in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the Agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This proposed rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' It is the determination of the Agency that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, neither an Environmental Assessment nor an Environmental Impact Statement is required.

Executive Order 13132, Federalism

The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) the undersigned has determined and certified by signature of this document that this rule, while affecting small entities, will not have an adverse economic impact on small entities. The Agency made this determination based on the fact that this regulation only impacts those who choose to participate in the certified loan application packaging process. Small entities engaged in this process will not be affected to a greater extent than large entities engaged in this process.

Executive Order 12372, Intergovernmental Review of Federal Programs

This program/activity is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. (See the Notice related to 7 CFR part 3015, subpart V, at 48 FR 29112, June 24, 1983; 49 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985).

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This executive order imposes requirements on Rural Development in the development of regulatory policies that have tribal implications or preempt tribal laws. Rural Development has determined that the proposed rule does not have a substantial direct effect on one or more Indian tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and the Indian tribes. Thus, this proposed rule is not subject to the requirements of Executive Order 13175.

Programs Affected

This program is listed in the Catalog of Federal Domestic Assistance under Number 10.410, Very Low to Moderate Income Housing Loans (Section 502 Rural Housing Loans).

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.), RHS is requesting comments from all interested individuals and organizations on information collection activities related to the regulatory changes in this proposed rule. The new information collection request is subject to review and approval by OMB.

Title: Single Family Housing Direct Loan Program.

OMB Control Number: 0575–New. Upon OMB approval, this package will merge with OMB No. 0575–0172.

Type of Request: New Collection.

Abstract: Under this proposed rule, qualified employers that employ individuals seeking or who have been designated as an Agency-certified loan application packagers will be required to provide monthly reports to the Agency outlining the packaging activities of their packager(s); this monthly report will include certifications that they and their packager(s) are not debarred from participating in Federal programs and are in compliance with the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act) as well as all applicable laws, regulations, and Executive Orders. This burden will fall upon the Agency-approved intermediaries when present.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.5 hours per response.

Respondents: Qualified employers or Agency-approved intermediaries.

Estimated Number of Respondents: 350.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 6,300 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, Stop 0742, 1400 Independence Ave. SW., Washington, DC 20250–0742. All responses to this proposed rule will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

E-Government Act Compliance

The Rural Housing Service is committed to complying with the E-Government Act, 44 U.S.C. 3601 et. seq., 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.

I. Background

The section 502 direct single family housing loan program provides subsidized mortgage loans for modest homes in rural areas to primarily first-time homebuyers who are low- and very

low-income. While loan approval and underwriting are strictly functions of the Agency staff, the Agency's nonprofit partners often play a role in educating potential homebuyers in homeownership and in originating section 502 loans.

Loan application packaging is not new to the program. Loan application packagers play an important role in increasing awareness of the section 502 program among potential homeowners and provide a valuable service to potential homeowners. As it stands today, however, the packaging process is an informal arrangement and the packagers' level of program knowledge and expertise, as well as their level of service, is inconsistent.

In Fiscal Year 2010, the Agency undertook a pilot program to evaluate how the loan application packaging process could be improved. This pilot program introduced the use of intermediaries in the packaging process. The five intermediaries in the pilot program are nonprofits whose mission is to serve low-income people in rural communities with an emphasis on affordable housing. The intermediaries reach out to other nonprofits to serve as packagers, ensure those packagers are qualified and trained, perform quality assurance reviews to prevent the submission of incomplete or ineligible loan application packages to the Agency, and serve as a liaison between the Agency and the packager.

Under this pilot, the Agency observed that the use of loan application packagers who have successfully completed an Agency-approved packaging course and who submit loan packages through an intermediary can shorten the Agency's processing time of loan applications (the days between the date of application and date of loan closing) by approximately 34 percent. The Agency also observed that staff time was freed to focus on other responsibilities because (1) pre-screening, counseling, application origination, and document preparation were completed by the qualified and trained loan application packagers and (2) the intermediaries checked the completeness and viability of the loan application package before submission to the Agency.

To integrate the successes and lessons from the pilot program, the Agency proposes to create a certified loan application packaging process. The structure and requirements outlined for this process are similar to those used in the pilot program. Persons interested in applying for a section 502 loan may, but are not required to, engage the service offered under this process.

II. Section-by-Section Discussion of Changes

A. Definitions (7 CFR 3550.10)

Definitions for an Agency-approved intermediary, an Agency-certified loan application packager, a qualified employer, and the national average area loan limit were added.

B. Certified Loan Application Packaging Process (7 CFR 3550.75)

The process includes (1) the requirements for individuals seeking or who have been designated as an Agency-certified loan application packager, (2) the requirements for their qualified employers, and (3) the requirements for Agency-approved intermediaries. The use of an intermediary is at the qualified employer's discretion once all of their packagers on staff have the designation as an Agency-certified loan application packager. Under this process, the groups must maintain clear separation of duties.

1. *Agency-certified loan application packagers.* To obtain RHS certification as a loan application packager, an individual must: (1) Have at least one year of real estate and/or mortgage experience, (2) be employed by a qualified employer, (3) successfully complete an Agency-approved loan application packaging course, and (4) demonstrate their packaging proficiencies. Proficiency standards will be outlined by the Agency in the Direct Single Family Housing Loans and Grants—Field Office Handbook (Handbook-1–3550) or its successor. The standards will take into account the program's current and projected funding levels, which will impact the activity levels of the Agency-certified packagers.

The designation as an Agency-certified loan application packager is portable; that is, the certified packager can go work for another qualified employer and maintain the benefits of being a certified packager. The designation cannot be used, however, while the individual is not employed by a qualified employer. The designation is subject to revocation for nonperformance, violation of pertinent rules and laws (including civil rights), or failure to submit any viable packaged loan applications to the Agency in any consecutive 12-month period.

2. *Qualified employers.* Individuals seeking or who have been designated as an Agency-certified loan application packager must be employed by a qualified employer. A qualified employer must (1) be a nonprofit organization or other public agency, (2) be tax exempt under the Internal Revenue Code and be engaged in affordable housing, (3) have at least three years of experience with the Agency's direct single family housing loan programs, (4) agree to report on the packaging activities of their packagers, and (5) prepare an affirmative fair housing marketing plan for Agency approval.

3. *Agency-approved intermediaries.* An Agency-approved intermediary must (1) be a nonprofit organization or other public agency, (2) be tax exempt under the Internal Revenue Code and be engaged in affordable housing, (3) have at least five years of experience with the Agency's direct single family housing loan programs, (4) develop quality control procedures designed to prevent submission of incomplete or ineligible loan application packages to the Agency, (5) ensure that their quality assurance staff successfully complete an Agency-approved loan application packaging course to confirm that their individual competency level reflects the organization's years of experience with the Agency, and (6) not have any financial interest in the subject property.

C. Packaging Fee Provisions (7 CFR 3550.52(d)(6))

Under the certified loan application packaging process, the packaging fee will be no more than two percent of the national average area loan limit as determined by the Agency and may be limited further by the Agency in the Direct Single Family Housing Loans and Grants—Field Office Handbook (Handbook-1–3550) or its successor. The packaging fee will reflect the responsibilities placed on individuals seeking or who have been designated as an Agency-certified loan application packager, their qualified employers, and Agency-approved intermediaries.

The following supplemental guidance regarding the packaging fee associated with the certified loan application packaging process will be placed in Handbook-1–3550 once the final rule is published:

- Initially, the Agency will limit the fee to up to $1,500 if an Agency-approved intermediary is involved in the process. If an intermediary is not involved, the fee will be limited to up to $1,000.
- Only a single fee can be charged at loan closing. The Agency will not dictate who charges that single fee or how that single fee is subsequently divided among the Agency-certified packager, qualified employer, and Agency-approved intermediary.
- Agency financing of the packaging fee is dependent on the borrower's

repayment ability and the total secured indebtedness limitation outlined in 7 CFR 3550.63. If all or part of the fee cannot be financed by the Agency, proof that that portion of the fee will be covered without adversely affecting the applicant's qualification must be submitted to the Agency.

• Packaging fees are not permitted for loans involving the purchase of an RHS Real Estate Owned property or loans under the Mutual Self-Help Housing program since Self-Help Grantees receive Section 523 grant funds to (in part) recruit families and provide assistance in the preparation of their loan applications.

• Individuals and entities that do not meet the requirements of 7 CFR 3550.75 may package a section 502 loan application on behalf of an applicant, but any fee charged is not an allowable loan purpose and proof that the fee will be covered without adversely affecting the applicant's qualification must be submitted to the Agency.

Solicitation of Comments

While the Agency welcomes comments on all aspects of this proposed rule, comments on the topics listed below are particularly being sought. When providing a comment, please provide the rational for the comment as well as any data or information to support the comment, if possible.

• The inclusion of intermediaries in the certified loan application packaging process; whether intermediaries would play a critical role in improving the quality of loan application packaging; whether the regulations should specify additional qualifying requirements for the intermediaries and what those requirements should be; how the Agency should handle the process of approving intermediaries; and how the coverage area for intermediaries should be handled (county, region, state, multiple states, etc.).

• Whether the funding priorities outlined in 7 CFR 3550.55(c) should be revised to consider applications received by the Agency through the certified loan application packaging process as a fourth priority item. Currently, first priority is given to existing customers who request subsequent loans to correct health and safety hazards; second priority is given to loans for the sale of real estate owned properties or transfers of existing Agency-financed properties; third priority is given to applicants facing housing related hardships; fourth priority is given to loans for homes involved in Agency-approved self-help projects or loans that include leveraging funds from other sources; and fifth priority is given to all other applicants.

• Whether limiting qualified employers and intermediaries to non-profit entities would provide better protection to borrowers and the government or increase the packaging fees by limiting competition.

List of Subjects in 7 CFR Part 3550

Administrative practice and procedure, Conflict of interests, Environmental impact statements, Equal credit opportunity, Fair housing, Accounting, Housing, Loan programs—housing and community development, Low and moderate income housing, Manufactured homes, Reporting and recordkeeping requirements, Rural areas, Subsidies.

For the reasons stated in the preamble, chapter XXXV, Title 7 of the Code of Federal Regulations, is proposed to be amended as follows:

PART 3550—DIRECT SINGLE FAMILY HOUSING LOANS AND GRANTS

■ 1. The authority citation for part 3550 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 1480.

■ 2. Amend § 3550.10 by adding definitions for ''Agency-approved intermediary,'' ''Agency-certified loan application packager,'' ''National average area loan limit,'' and ''Qualified employer'' in alphabetical order to read as follows:

§ 3550.10 Definitions.

* * * * *

Agency-approved intermediary. An affordable housing nonprofit approved by RHS to perform quality assurance reviews and monitoring activities on individuals seeking or who have been designated as an Agency-certified loan application packager and their qualified employers. See § 3550.75 for further details.

Agency-certified loan application packager. An individual certified by RHS under this subpart to package section 502 loan applications while employed by a qualified employer. See § 3550.75 for further details.

* * * * *

National average area loan limit. Across the nation, the average area loan limit as specified in § 3550.63(a). The national average is considered when determining the maximum packaging fee permitted under the certified loan application packaging process under the section 502 program.

* * * * *

Qualified employer. A nonprofit organization or public agency that meets the requirements outlined in § 3550.75(b)(2) and is involved in the certified loan application packaging process under the section 502 program.

* * * * *

■ 3. Amend § 3550.52 by revising paragraph (d)(6) to read as follows:

§ 3550.52 Loan purposes.

* * * * *

(d) * * *

(6) For section 502 loans, packaging fees resulting from the certified loan application packaging process outlined in § 3550.75. The fee may not exceed two percent of the national average area loan limit as determined by the Agency and may be limited further in the Direct Single Family Housing Loans and Grants—Field Office Handbook (Handbook-1–3550) or its successor. For section 504 loans, loan application packaging fees to public and private nonprofit organizations that are tax exempt under the Internal Revenue Code. See Handbook-1–3550 or its successor for fee limitations.

* * * * *

■ 4. Add § 3550.75 to read as follows:

§ 3550.75 Certified loan application packaging process.

Persons interested in applying for a section 502 loan may, but are not required to, submit an application through the certified loan application packaging process.

(a) *General.* The certified loan application packaging process involves individuals seeking or who have been designated as an Agency-certified loan application packager, their qualified employers, and, at least initially, Agency-approved intermediaries. Once all of their packagers on staff have the designation as an Agency-certified loan application packager, the use of an intermediary is at the qualified employer's discretion.

(b) *Process requirements.* To package section 502 loan applications under this process, each of the following conditions must be met:

(1) *Agency-certified loan application packager.* An individual seeking to acquire RHS certification as a loan application packager must meet all of the following conditions:

(i) Have at least one year of real estate and/or mortgage experience;

(ii) Be employed by a qualified employer as outlined in paragraph (b)(2) of this section;

(iii) Complete an Agency-approved loan application packaging course and successfully pass the corresponding test as specified in paragraph (c) of this section; and

(iv) Demonstrate their loan application packaging proficiencies. Proficiency standards will be outlined by the Agency in the Direct Single Family Housing Loans and Grants—Field Office Handbook (Handbook-1–3550) or its successor.

(2) *Qualified employer.* Individuals seeking or who have been designated as an Agency-certified loan application packager must be employed by a qualified employer. To be considered a qualified employer, the packager's employer must meet or perform, as applicable, each of the conditions specified in paragraphs (b)(2)(i) through (b))(2)(vi) of this section.

(i) Be a nonprofit organization or public agency.

(ii) Be tax exempt under the Internal Revenue Code and be engaged in affordable housing per their regulations, articles of incorporation, or bylaws.

(iii) Have at least three years of verifiable experience with the Agency's direct single family housing loan programs. Experience with the programs is largely determined by the number of years the entity has been partnering with the Agency to provide supplemental financing, assistance, and/or services to direct loan borrowers.

(iv) Agree to prepare and submit a monthly report to the Agency outlining the loan application packaging activities of their packager(s). This monthly report must include certifications that they and their packager(s) are not debarred from participating in Federal programs and are in compliance with applicable laws and regulations, including the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act). This report must be submitted through the Agency-approved intermediary when present.

(v) Notify the Agency-approved intermediary, Agency, and the applicant if they or their packager(s) are the developer, builder, seller of, or have any other such financial interest in, the property for which the application package is submitted.

(vi) Prepare an affirmative fair housing marketing plan for Agency approval as outlined in RD Instruction 1901–E (or in any superseding guidance provided in the impending RD Instruction 1940–D).

(3) *Agency-approved intermediaries.* To be Agency-approved, the intermediary must meet each of the following conditions:

(i) Be a nonprofit organization or other public agency;

(ii) Be tax exempt under the Internal Revenue Code and be engaged in affordable housing in accordance with their regulations, articles of incorporation, or bylaws;

(iii) Have at least five years of verifiable experience with the Agency's direct single family housing loan programs;

(iv) Develop quality control procedures designed to prevent submission of incomplete or ineligible application packages to the Agency;

(v) Ensure that their quality assurance staff complete an Agency-approved loan application packaging course and successfully pass the corresponding test; and

(vi) Not be the developer, builder, seller of, or have any other such financial interest in, the property for which the application package is submitted.

(c) *Loan application packaging courses.* Prospective loan application packagers and the intermediaries' quality assurance staff must successfully complete an Agency-approved course that covers the material identified in paragraph (c)(1) of this section. Prospective intermediaries must also successfully complete an Agency-approved course as specified in paragraph (c)(2) of this section.

(1) *Loan application packagers.* At a minimum, the certification course for individuals seeking to become certified packagers will be a three-day classroom session that provides:

(i) An overview of the section 502 direct single family housing loan program and the regulations and laws that govern the program (including civil rights lending laws such as the Equal Credit Opportunity Act, Fair Housing Act, and Section 504 of the Rehabilitation Act of 1973);

(ii) A detailed discussion on the program's application process and borrower/property eligibility requirements;

(iii) An examination of the Agency's loan underwriting process which includes the use of payment subsidies; and

(iv) The roles and responsibilities of a loan application packager and the Agency staff.

(2) *Intermediaries.* The required course for an intermediary's quality assurance staff will cover the components described in paragraph (c)(1) of this section.

(3) *Non-Agency trainers.* Prior to offering the packager or intermediary course, non-Agency trainers must obtain approval from designated Agency staff. Non-Agency trainers, who will be limited to housing nonprofit organizations, must provide proof of relevant experience and resources for delivery; present evidence that their individual trainers are competent and knowledgeable on all subject areas; submit course materials for Agency review; agree to maintain attendance records, test results, and course materials; and bear the cost of providing the training. The course schedule must be approved by RHS and each session will be attended by a designated Agency staff member. A list of eligible non-Agency trainers will be published on the Agency's Web site as an attachment to Handbook-1–3550 or its successor (*http://www.rurdev.usda.gov/Handbooks.html*).

(d) *Confidentiality.* The Agency-certified loan application packager, qualified employer, Agency-approved intermediary and their agents must safeguard each applicant's personal and financial information.

(e) *Retaining designation.* The Agency will meet with the Agency-certified loan application packager, their qualified employer, and Agency-approved intermediary (if applicable) at least annually to maintain open lines of communication; discuss their packaging activities; identify and resolve deficiencies in the packaging process; and stipulate any training requirements for retaining designation (including civil rights refresher training).

(f) *Revocation.* The designation as an Agency-certified loan application packager or Agency-approved intermediary is subject to revocation by the Agency under any of the following conditions:

(1) The rate of packaged loan applications that receive RHS approval is below the acceptable limit published as an attachment to Handbook-1–3550 or its successor, available at *http://www.rurdev.usda.gov/Handbooks.html*);

(2) Violation of pertinent rules and laws; or

(3) No viable packaged loan applications are submitted to the Agency in any consecutive 12-month period.

Dated: July 24, 2013.

Dominique McCoy,

Acting Administrator, Rural Housing Service.

[FR Doc. 2013–20447 Filed 8–22–13; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0699; Directorate Identifier 2012–NM–198–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes. This proposed AD was prompted by three reports of cracking in the rear pressure bulkhead (RPBH) web. This proposed AD would require inspecting the RPBH web for cracking, and repairing if necessary. We are proposing this AD to detect and correct cracking of the RPBH web, which could result in in-flight decompression of the airplane and possible injury to the occupants.

DATES: We must receive comments on this proposed AD by October 7, 2013.

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

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

For service information identified in this proposed AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.com*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0699; Directorate Identifier 2012–NM–198–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0219, dated October 19, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Three reports have been received of a crack in the rear pressure bulkhead (RPBH) web, just below the horizontal beam XI between buttock lines BL425L and BL425R, in the centre web bay below the pressure relief valves.
>
> This condition, if not detected and corrected, could result in an exponential crack growth rate, possibly leading to failure of the affected RPBH web, resulting in in-flight decompression of the aeroplane and possible injury to occupants.
>
> A repetitive inspection requirement has been published in issue 10 of Fokker Services [Airworthiness Limitations Section] ALS Report SE–623 under task number 534106–00–05. The threshold to start this ALS-task is 30,000 [total] flight cycles (FC). However, it is known that many aeroplanes have already exceeded this threshold.
>
> For the reasons described above, this [EASA] AD requires a one-time inspection [detailed visual or high frequency eddy current inspection] of the affected RPBH web for cracks and, depending on findings, accomplishment of a repair. The repair can also be applied at any time as a modification, thereby exempting the aeroplane from (further) repetitive ALS task 534106–00–05 inspections.

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

Relevant Service Information

Fokker Services B.V. has issued Fokker Service Bulletin SBF100–53–120, dated May 15, 2012; and Fokker Service Bulletin SBF100–53–121, dated May 15, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

The EASA AD 2012–0219, dated October 19, 2012, permits, under certain conditions, postponement of crack repair. This proposed AD would require repair before further flight for all cracking.

Costs of Compliance

We estimate that this proposed AD affects 4 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
Inspection	5 work-hours × $85 per hour = $425	$0	$425	$1,700

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
On-condition inspection and repair	16 work-hours × $85 per hour = $1,360	$0	$1,360

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V.: Docket No. FAA–2013–0699; Directorate Identifier 2012–NM–198–AD.

(a) Comments Due Date

We must receive comments by October 7, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes, certificated in any category, as identified in Fokker Service Bulletin SBF100–53–120, dated May 15, 2012.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by three reports of cracking in the rear pressure bulkhead (RPBH) web. We are issuing this AD to detect and correct cracking of the RPBH web, which could result in in-flight decompression of the airplane and possible injury to the occupants.

(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) Inspection

Before the accumulation of 30,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later: Do the actions specified in paragraph (g)(1) or (g)(2) of this AD.

(1) Do a detailed inspection for cracking of the rear side of the RPBH web below beam XI between buttock line (BL) 425L and BL 425R, in accordance with PART 1 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–120, dated May 15, 2012.

(2) Do a high frequency eddy current (HFEC) inspection for cracking of the forward side of the RPBH web below beam XI between BL 425L and BL 425R, in accordance with PART 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–120, dated May 15, 2012.

Note 1 to paragraph (g) of this AD: Fokker Services All Operators Message AOF100.176, dated May 15, 2012; and AOF100.178, dated September 10, 2012; provide additional information concerning the subject addressed by this AD.

(h) On-condition Inspection and Repair

(1) If any cracking is found during the inspections specified in paragraph (g)(1) or (g)(2) of this AD: Before further flight, repair the cracking, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–121, dated May 15, 2012.

(2) For any airplane inspected as specified in paragraph (g)(1) of this AD and no cracking was found: Within 12 months after that inspection, do the HFEC inspection specified in PART 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–120, dated May 15, 2012. If any cracking is found: Before further flight, repair

the cracking, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–121, dated May 15, 2012.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) Airworthiness Directive 2012–0219, dated October 19, 2012, for related information, which can be found in the AD docket on the Internet at *http://www.regulations.gov.*

(2) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on August 16, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–20585 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Part 200

RIN 1810–AB16

[Docket ID ED–2012–OESE–0018]

Title I—Improving the Academic Achievement of the Disadvantaged

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (the ''Title I regulations''), to no longer authorize a State, in satisfying ESEA accountability requirements, to define modified academic achievement standards and develop alternate assessments based on those modified academic achievement standards. These proposed amendments would permit, as a transitional measure and for a limited period of time, States that administered alternate assessments based on modified academic achievement standards in the 2012–13 school year to continue to administer alternate assessments based on modified academic achievement standards and include the results in adequate yearly progress (AYP) calculations, subject to limitations on the number of proficient scores that may be counted for AYP purposes. These proposed amendments also would apply to accountability determinations made by eligible States that receive ''ESEA flexibility'' and have requested a waiver of making AYP determinations.

DATES: We must receive your comments on or before October 7, 2013.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''How To Use This Site.''
- *Postal Mail, Commercial Delivery, or Hand Delivery.* If you mail or deliver your comments about these proposed regulations, address them to Monique M. Chism, Director, Student Achievement and School Accountability Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W224, Washington, DC 20202–6132.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Monique M. Chism, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W224, Washington, DC 20202–6132. Telephone: (202) 260–0826.

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding these proposed regulations. To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about these proposed regulations by accessing Regulations.gov. You may also inspect the comments in person in 3W226 at 400 Maryland Avenue SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If

you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

These proposed regulations would amend the Title I regulations that are designed to help disadvantaged children meet high academic standards. Specifically, the proposed amendments to current §§ 200.1 and 200.6 would no longer authorize a State to define modified academic achievement standards for certain students with disabilities, develop and administer alternate assessments based on those standards, and, subject to limitations on the number of proficient scores that may be counted for AYP purposes under current § 200.13(c), use the scores from those alternate assessments in AYP calculations.

In April 2007, the Department amended the Title I regulations to permit States to define modified academic achievement standards for certain students with disabilities, specifically those whose disability has precluded them from achieving grade-level proficiency and whose progress is such that they will not reach grade-level proficiency in the same time frame as other students. The Department also amended the Title I regulations to permit States to develop alternate assessments based on those modified academic achievement standards and administer them to eligible students with disabilities (72 FR 17748).

As explained in the preamble to the final regulations published in the **Federal Register** on April 9, 2007 (72 FR 17748), the Department acknowledged the possibility that neither a general assessment nor an alternate assessment based on alternate academic achievement standards would provide an accurate assessment of what these students know and can do. This position was based on information received from some States, as well as research available at the time, which indicated that general grade-level assessments may be too difficult for this small group of students with disabilities, while alternate assessments based on alternate academic achievement standards may be too easy. Thus, in the interest of ensuring that States could meaningfully assess these students' achievement across the full range of content and provide teachers and parents with information that would help these students progress toward grade-level achievement, the Department issued regulations to permit States to define modified academic achievement standards and develop and administer alternate assessments based on those standards.

Since the Department amended the Title I regulations in April 2007, many States have been working collaboratively to develop and implement general assessments aligned with college- and career-ready standards that will be more accessible to students with disabilities than those in place at the time States began developing alternate assessments based on modified academic achievement standards. These new general assessments will facilitate the valid, reliable, and fair assessment of most students with disabilities, including those for whom alternate assessments based on modified academic achievement standards were intended.

As described later in this notice, research has shown that low-achieving students with disabilities make academic progress when provided with appropriate supports and instruction. More accessible general assessments, in combination with such supports and instruction for students with disabilities, can promote high expectations for all students, including students with disabilities, by encouraging teaching and learning to the academic achievement standards measured by the general assessments.

For these reasons, these proposed regulations anticipate that alternate assessments based on modified academic achievement standards will no longer be needed as States develop more accessible general assessments that can also be used for those students with disabilities for whom alternate assessments based on modified academic achievement standards currently are being administered. Accordingly, States would be able to refocus their assessment efforts and resources on the development of more accessible general assessments. For students with the most significant cognitive disabilities, States will continue to have the authority under §§ 200.1(d) and 200.6(a)(2)(ii)(B) to define alternate academic achievement standards, administer alternate assessments based on those alternate academic achievement standards, and, subject to limitations on the number of proficient scores that may be counted for AYP purposes, include the results in AYP calculations.

To allow for a smooth transition to more accessible general assessment systems, including systems with assessments aligned with college- and career-ready standards, these proposed regulations would allow States, under certain circumstances and for a limited period of time, to continue to implement their alternate assessments based on modified academic achievement standards and, subject to limitations on the number of proficient scores that may be counted for AYP purposes in current § 200.13(c), include the results of such assessments in AYP calculations.[1] More specifically, under these proposed regulations, a State could continue to administer alternate assessments based on modified academic achievement standards and use the results of those assessments for accountability purposes in accordance with the current Title I regulations and Part B of the Individuals with Disabilities Education Act (IDEA) if the State administered alternate assessments based on modified academic achievement standards in the 2012–13 school year. A State meeting this criterion would be permitted to administer alternate assessments based on modified academic achievement standards and use the results of those assessments for accountability purposes through the 2013–14 school year.

Although these proposed regulations do not amend the regulations implementing Part B of the IDEA in 34 CFR part 300, they nonetheless will affect the application of the assessment regulations under 34 CFR 300.160. Under section 612(a)(16)(A) of the IDEA and 34 CFR 300.160(a), a State must ensure that all children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the ESEA, if necessary with appropriate accommodations and alternate assessments, as indicated in their respective individualized education programs (IEPs). Under § 300.160(c)(1), a State (or, in the case of a district-wide assessment, a local educational agency (LEA)) must develop and implement alternate assessments

[1] The Department is offering States flexibility from certain requirements of the ESEA in exchange for implementing rigorous, comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Under this initiative, known as ''ESEA flexibility,'' a State may request a waiver of the requirements to make AYP determinations and instead use its own differentiated State-developed recognition, accountability, and support system to hold schools accountable. Accordingly, a State that meets the criteria in these proposed regulations, subject to the limitations on the number of proficient scores that may be counted for making AYP determinations in § 200.13(c), which is not waived under ESEA flexibility, could count the proficient scores of students with disabilities assessed using alternate assessments based on modified academic achievement standards in making accountability determinations, including determinations of whether schools meet a State's annual measurable objectives (AMOs).

and guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments even with the accommodations provided for in their IEPs. Section 300.160(c)(2)(ii) further provides that, if a State has adopted modified academic achievement standards to assess the academic progress of students with disabilities under Title I of the ESEA, it must measure the achievement of children with disabilities meeting the State's criteria under current § 200.1(e)(2) against those standards. Thus, the proposed regulations would mean that the transition from alternate assessments based on modified academic achievement standards under Title I of the ESEA also would apply to how States include children with disabilities in these assessments under the IDEA. However, to the extent that a State is permitted to administer alternate assessments based on modified academic achievement standards, § 300.160(c)(2)(ii) will continue to apply.

Significant Proposed Regulations

We discuss substantive issues under the sections of the proposed regulations to which they pertain. Generally, we do not address proposed regulatory provisions that are technical or otherwise minor in effect.

Section 200.1—State Responsibilities for Developing Challenging Academic Standards

Statute: Section 1111(b)(1) of the ESEA requires each State to adopt challenging academic content standards and challenging student academic achievement standards in at least mathematics, reading or language arts, and science. These standards must be the same for all public elementary and secondary schools and all public school students in the State. The State's challenging academic content standards must specify what all students are expected to know and be able to do, contain coherent and rigorous content, and encourage the teaching of advanced skills. The State's challenging student academic achievement standards must be aligned with the State's academic content standards and must describe at least three levels of achievement: Advanced, proficient, and basic.

Current Regulations: Current § 200.1 of the Title I regulations implements the statutory requirements in section 1111(b)(1) of the ESEA regarding the development of challenging academic content standards and challenging academic achievement standards. Regarding academic achievement standards, current § 200.1(e)(1) permits a State to define modified academic achievement standards for eligible students with disabilities, so long as those standards are aligned with the State's academic content standards for the grade in which the student is enrolled, are challenging for eligible students (but may be less difficult than the grade-level academic achievement standards under current § 200.1(c)), include at least three achievement levels, and are developed through a documented and validated standards-setting process that includes broad stakeholder input.

For a State implementing modified academic achievement standards, current § 200.1(e)(2) requires the State to adopt criteria for IEP teams to use in determining which students with disabilities are eligible to be assessed based on modified academic achievement standards. At a minimum, these criteria must include the following:

(i) The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by objective evidence;

(ii) The student's progress to date (based on multiple measurements over a period of time that are valid for the subjects being assessed) in response to appropriate instruction, including special education and related services designed to address the student's individual needs, is such, that even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP; and

(iii) If the student's IEP includes goals for a subject assessed under § 200.2, those goals are based on the academic content standards for the grade in which the student is enrolled.

In addition, current § 200.1(f) requires a State to establish guidelines related to assessing eligible students with disabilities with alternate assessments based on modified academic achievement standards. In particular, current § 200.1(f)(1)(i)(B) requires a State to establish and monitor implementation of guidelines for IEP teams to apply in determining which students with disabilities meet the State's criteria to be assessed based on modified academic achievement standards under current § 200.1(e)(2) and provides that these students may be assessed based on modified academic achievement standards in one or more subjects. Current § 200.1(f)(2) specifies additional requirements for State guidelines for students assessed based on modified academic achievement standards.

Proposed Regulations: Under these proposed amendments, current § 200.1(e) would be amended to limit a State's authority to define modified academic achievement standards. Specifically, we propose to amend current § 200.1(e)(1) to no longer authorize a State to define modified academic achievement standards, unless the State meets certain criteria.

Under proposed § 200.1(e)(2), a State could define modified academic achievement standards only if the State administered alternate assessments based on modified academic achievement standards in the 2012–13 school year.

Proposed § 200.1(e)(4) would then provide that, for any State meeting the criterion in proposed § 200.1(e)(2), the authority to define modified academic achievement standards terminates at the end of the 2013–14 school year. The remaining requirements in current § 200.1 applicable to modified academic achievement standards, as well as those requirements related to determining student eligibility to be assessed based on alternate academic achievement standards, would remain unchanged and fully applicable to a State that has adopted such standards.

Finally, we would redesignate current paragraph (e)(2) of § 200.1 as paragraph (e)(3) to accommodate the proposed additions of new paragraphs (e)(2) and (e)(4), as described in the preceding paragraphs.

Reasons: Through these proposed amendments to § 200.1, we seek to reemphasize the importance of holding all students, including students with disabilities, to high standards. Research demonstrates that low-achieving students with disabilities who struggle in reading [2] and low-achieving students

[2] For example, see: Allor, J. H., Mathes, P. G., Roberts, J. K., Cheatham, J.P., & Champlin, T. M. (2010). Comprehensive reading instruction for students with intellectual disabilities. *Psychology in the Schools, 47,* 445–466; Kamps, D., Abbott, M., Greenwood, C., Wills, H., Veerkamp, M., & Kaufman, J. (2008). Effects of small-group reading instruction and curriculum differences for students most at risk in kindergarten: Two-year results for secondary- and tertiary-level interventions. *Journal of Learning Disabilities, 41,* 101–114; Mautone, J. A., DuPaul, G. J., Jitendra, A. K., Tresco, K. E., Junod, R. V., & Volpe, R. J. (2009). The relationship between treatment integrity and acceptability of reading interventions for children with attention-deficit/hyperactivity disorder. *Psychology in the Schools, 46,* 919–931; Scammacca, N., Vaughn, S., Roberts, G., Wanzek, J., & Torgesen, J. K. (2007). Extensive reading interventions in grades K–3: From research to practice. Portsmouth, N.H.: RMC Research Corporation, Center on Instruction; Vaughn, S., Denton, C. A., & Fletcher, J. M. (2010). Why intensive interventions are necessary for

Continued

with disabilities who struggle in mathematics [3] can make academic progress when provided appropriate supports and instruction. As noted earlier in the preamble, many States are now working together to develop and implement new general assessments that will be more accessible to most students with disabilities. More specifically, 44 States and the District of Columbia are participating in two consortia, funded by the Race to the Top Assessment (RTTA) program, that are developing new assessments to measure student achievement against college- and career-ready standards. As stated in the notice inviting applications for the RTTA program, published in the **Federal Register** on Friday, April 9, 2010, these assessments must be valid, reliable, and fair for all student subgroups, including students with disabilities (see 75 FR 18171, 18173). The only exception is for students with disabilities who are eligible to participate in alternate assessments based on alternate academic achievement standards under 34 CFR 200.6(a)(2)(ii)(B); those students are excluded from the definition of ''students with disabilities'' under the RTTA program (see 75 FR 18171, 18178). We expect that the application of universal design principles, new technologies, and new research on accommodations to the new assessments developed through the RTTA program will improve access to the assessments and the validity of scores for students with disabilities, including students who currently are eligible for alternate assessments based on modified academic achievement standards. Other new assessments also may draw on universal design principles, new technologies, and new research to improve access for students with disabilities and more validly measure the achievement of these students.

With the development and implementation of more accessible general assessments, combined with appropriate supports and instruction, we believe that modified academic achievement standards and alternate assessments based on those standards will no longer be educationally appropriate. Consequently, it is no longer in the best interest of students with disabilities for a State to invest further resources in the development or refinement of modified academic achievement standards and alternate assessments based on those standards. Rather, resources for future assessment development are best focused on preparing for implementation of more accessible general assessments, such as those currently being developed in many States. Therefore, these proposed regulations would no longer authorize a State to define modified academic achievement standards and administer alternate assessments based on those standards.

Although we believe that new, more accessible assessments will eliminate the need for modified academic achievement standards and alternate assessments based on those standards, we recognize that these new assessments cannot be implemented immediately. In particular, we recognize that assessments being developed through the RTTA program are not expected to be fully operational in all participating States until the 2014–15 school year. We also recognize that some States have devoted substantial resources toward developing and implementing alternate assessments based on modified academic achievement standards. For these reasons, we believe that providing States with time to move from alternate assessments based on modified academic achievement standards and complete development of more accessible general assessments, such as those aligned with college- and career-ready standards that are currently being developed in many States, will support a smooth transition between assessments for the students affected by this regulatory change. Accordingly, proposed § 200.1(e)(2) would permit a State that administered alternate assessments based on modified academic achievement standards in the 2012–13 school year to continue to administer those alternate assessments. Proposed § 200.1(e)(4) would require a State to terminate its use of such alternate assessments, and concomitantly its use of modified academic achievement standards, at the end of the 2013–14 school year. In setting this proposed timeline, we believe we have provided States sufficient time and notice to phase out their alternate assessments based on modified academic achievement standards. Moreover, any State interested in ESEA flexibility knew as early as September 2011 that alternate assessments based on modified academic achievement standards were not part of the definition of high-quality assessments that are required to be administered beginning in 2014–15.

Section 200.6—Inclusion of All Students

Statute: Section 1111(b)(3)(C) of the ESEA requires, among other things, that a State's academic assessment system be aligned with the State's challenging academic content and student academic achievement standards and that it measure the achievement of all students in the grades assessed, including students with disabilities as defined under section 602(3) of the IDEA. For students with disabilities in particular, under section 1111(b)(3)(C)(ix)(II) of the ESEA, a State's academic assessment system must provide for reasonable accommodations necessary to measure their academic achievement against the State's academic content and achievement standards that all students are expected to meet.

Current Regulations: Current § 200.6 sets forth the requirements under which a State must provide for the participation of all students in the State's academic assessment system. Current § 200.6(a)(3) permits a State to develop and implement alternate assessments to assess eligible students with disabilities based on modified academic achievement standards. In particular, current § 200.6(a)(3)(ii) provides that any alternate assessments based on modified academic achievement standards must—(i) be aligned with the State's grade-level academic content standards; (ii) yield results that measure the achievement of those students separately in reading or language arts and in mathematics relative to the modified academic achievement standards; (iii) meet the requirements in §§ 200.2 and 200.3, including the requirements relating to validity, reliability, and high technical quality; and (iv) fit coherently in the State's overall assessment system.

In addition, current § 200.6(a)(4) requires a State to report to the Secretary the number and percentage of students with disabilities taking regular assessments described in § 200.2, regular assessments with accommodations, alternate assessments based on the grade-level academic achievement standards described in § 200.1(c), alternate assessments based on the modified academic achievement

students with severe reading difficulties. *Psychology in the Schools, 47,* 32–444; Wanzek, J. & Vaughn, S. (2010). Tier 3 interventions for students with significant reading problems. *Theory Into Practice, 49,* 305–314.

[3] For example, see: Fuchs, L. S. & Fuchs, D., Powell, S. R., Seethaler, P. M., Cirino, P. T., & Fletcher, J. M. (2008). Intensive intervention for students with mathematics disabilities: Seven principles of effective practice. *Learning Disabilities Quarterly, 31,* 79–92; Gersten, R., Beckmann, S., Clarke, B., Foegen, A., Marsh, L., Star, J. R., & Witzel, B. (2009). *Assisting students struggling with mathematics: Response to Intervention (RtI) for elementary and middle schools* (NCEE 2009–4060). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved November 1, 2010 from *http://ies.ed.gov/ncee/wwc/publications/practiceguides/.*

standards described in § 200.1(e), and alternate assessments based on the alternate academic achievement standards described in § 200.1(d).

Proposed Regulations: We propose to amend § 200.6(a)(3)(i) to no longer authorize a State to develop and administer alternate assessments based on modified academic achievement standards for ESEA assessment and accountability purposes, unless the State administered alternate assessments based on modified academic achievement standards in the 2012–13 school year.

Under proposed § 200.6(a)(3)(ii), a State would be able to administer alternate assessments based on modified academic achievement standards and use the results of these assessments in accountability determinations only if the State administered alternate assessments based on modified academic achievement standards in the 2012–13 school year. Additionally, a State meeting this criterion would be further limited on how long it could use these assessments. Under proposed § 200.6(a)(3)(iv), such a State would only be able to administer and use the results of these assessments for accountability determinations through the 2013–14 school year. All other requirements in current § 200.6 applicable to alternate assessments based on modified academic achievement standards would remain unchanged and fully applicable to States administering these alternate assessments. Please note that, to the extent a State is permitted to administer alternate assessments based on modified academic achievement standards, inclusion of the results in accountability determinations would remain subject to limitations on the number of proficient scores that may be counted for AYP purposes in current § 200.13(c).

Finally, for the sake of readability, we would redesignate current paragraph (a)(3)(ii) of § 200.6 as paragraph (a)(3)(iii) to accommodate the proposed additions of new paragraphs (a)(3)(ii) and (a)(3)(iv), as described in the preceding paragraphs.

Reasons: For the reasons discussed earlier with respect to the proposed amendments to § 200.1(e), the proposed amendments to § 200.6 are necessary to make clear the limitations on a State's authority to develop and administer alternate assessments based on modified academic achievement standards.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these regulations only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that these proposed regulations are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Potential Costs and Benefits: Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action and have determined that these proposed regulations would not impose additional costs to State and local educational agencies or to the Federal Government. For example, each of the forty States and the District of Columbia that has received ESEA flexibility has agreed to phase out its use of alternate assessments based on modified academic achievement standards, if it has those assessments, by the 2014–15 school year. Only California, North Dakota, and Texas have an alternate assessment based on modified academic achievement standards but have not received ESEA flexibility, and Texas' request for ESEA flexibility is pending. Moreover, the proposed regulations would not impose additional costs or administrative burdens on the large majority of States, including California and North Dakota, that are working collaboratively through the RTTA program to develop and implement general assessments aligned with college- and career-ready standards that

will be more accessible to students with disabilities than those in place at the time States began developing alternate assessments based on modified academic achievement standards. Under the RTTA program requirements, these new assessments already must be valid, reliable, and fair for all student subgroups, including students with disabilities, with the exception of students with disabilities who are eligible to participate in alternate assessments based on alternate academic achievement standards consistent with 34 CFR 200.6(a)(2)(ii)(B) (see 75 FR 18171, 18173).

In this context, the proposed regulations largely reflect already planned and funded changes in assessment practices and would not impose additional costs on States or LEAs or the Federal Government. On the contrary, to the extent that the proposed regulations reinforce the transition to State assessment systems with fewer components, the Department believes these proposed regulations ultimately would reduce the costs of complying with ESEA assessment requirements (because States would no longer have to develop and implement separate alternate assessments based on modified academic achievement standards).

Further, a State that administered alternate assessments based on modified academic achievement standards in the 2012–13 school year would be permitted to continue to use such assessments through the 2013–14 school year. Thus, the proposed regulations would not impose any new costs on States that have already developed modified academic achievement standards and alternate assessments based on those standards. The proposed regulations also would not impose significant additional costs on States that have not developed modified academic achievement standards because the proposed regulations do not place any additional requirements on such States. In addition, to the extent that the proposed regulations encourage States to strengthen their plans to transition to new general assessments that would be used to assess students currently taking alternate assessments based on modified academic achievement standards, funding to support such a transition is available through existing ESEA programs, such as the Grants for State Assessments program, which will make available $360 million in State formula grant assistance in fiscal year 2012.

In sum, the additional costs imposed on States by the proposed regulations are estimated to be negligible, primarily because they reflect changes already under way in State assessment systems under the ESEA. Moreover, we believe these costs are significantly outweighed by the potential educational benefits of increasing the access of students with disabilities to the general assessments as States develop new, more accessible assessments, including assessments aligned with college- and career-ready standards.

Regulatory Alternatives Considered

An alternative to the amendments proposed in this notice would be for the Secretary to leave in place the existing regulations permitting the development and administration of alternate assessments based on modified academic achievement standards. However, the Department believes that the proposed regulations are needed to help refocus assessment efforts and resources on the development of new general assessments that are accessible to a broader range of students with disabilities. Such new general assessments will eliminate the usefulness of separate alternate assessments based on modified academic achievement standards for eligible students with disabilities.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A ''section'' is preceded by the symbol ''§'' and a numbered heading; for example, § 200.1(e)(1).)
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make these proposed regulations easier to understand, see the instructions in the **ADDRESSES** section of this preamble.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. The small entities that this proposed regulatory action would affect are small LEAs administering assessments under the ESEA.

These proposed regulations would not have a significant economic impact on small LEAs because most affected LEAs would continue to implement existing State assessments required by the ESEA, including general assessments and alternate assessments for certain students with disabilities, until either the reauthorization of the ESEA or the implementation of new State assessments aligned with college- and career-ready standards. In addition, the implementation of these new assessments can be expected to result in a positive economic impact by reducing the number of separate assessments that must be administered to comply with the ESEA.

The Secretary invites comments from small LEAs as to whether they believe this proposed regulatory action would have a significant economic impact on them and, if so, requests evidence to support that belief.

Paperwork Reduction Act of 1995

These proposed regulations do not contain any information collection requirements.

Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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

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

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

(Catalog of Federal Domestic Assistance Numbers: 84.010 Improving Programs Operated by Local Educational Agencies; 84.027 Assistance to States for the Education of Children with Disabilities)

List of Subjects in 34 CFR Part 200

Education of disadvantaged, Elementary and secondary education, Grant programs—education, Indians—education, Infants and children, Juvenile delinquency, Migrant labor, Private schools, Reporting and recordkeeping requirements.

Dated: August 20, 2013.

Arne Duncan,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary proposes to amend part 200 of title 34 of the Code of Federal Regulations as follows:

PART 200—TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

■ 1. The authority citation for part 200 continues to read as follows:

Authority: 20 U.S.C. 6301 through 6578, unless otherwise noted.

■ 2. Section 200.1 is amended by:

■ A. Revising paragraph (e)(1) introductory text.

■ B. Redesignating paragraph (e)(2) as (e)(3).

■ C. Adding new paragraph (e)(2) and paragraph (e)(4).

The revision and additions read as follows:

§ 200.1 State responsibilities for developing challenging academic standards.

* * * * *

(e) *Modified academic achievement standards.* (1) Except as provided in paragraphs (e)(2) and (e)(4) of this section, a State may not define modified academic achievement standards for students with disabilities under section 602(3) of the Individuals with Disabilities Education Act (IDEA) who meet the State's criteria under paragraph (e)(3) of this section. Modified academic achievement standards are standards that—

* * * * *

(2) A State may define modified academic achievement standards for students with disabilities who meet the State's criteria under paragraph (e)(3) of this section only if the State administered alternate assessments based on modified academic achievement standards in the 2012–13 school year.

* * * * *

(4) A State's authority to define modified academic achievement standards under paragraph (e)(2) of this section terminates following the State's administration of alternate assessments based on those standards during the 2013–14 school year.

* * * * *

■ 3. Section 200.6 is amended by:

■ A. Revising paragraph (a)(3)(i).

■ B. Redesignating paragraph (a)(3)(ii) as (a)(3)(iii).

■ C. Adding new paragraph (a)(3)(ii) and paragraph (a)(3)(iv).

The revision and additions read as follows:

§ 200.6 Inclusion of all students.

* * * * *

(a) * * *

(3) *Alternate assessments that are based on modified academic achievement standards.* (i) Except as provided in paragraphs (a)(3)(ii) and (iv) of this section, a State may not develop and administer an alternate assessment based on modified academic achievement standards as defined in § 200.1(e)(1) to assess students with disabilities who meet the State's criteria under § 200.1(e)(3).

(ii) A State may continue to administer an alternate assessment based on modified academic achievement standards to assess students with disabilities who meet the State's criteria under § 200.1(e)(3) and use the results of that assessment for accountability determinations only if the State administered the assessment in the 2012–13 school year.

* * * * *

(iv) A State's authority to administer an alternate assessment based on modified academic achievement standards and use the results for accountability determinations terminates following the State's administration of that assessment during the 2013–14 school year.

* * * * *

[FR Doc. 2013–20665 Filed 8–22–13; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2013–0060; FRL–9900–26–Region 6]

Approval and Promulgation of Implementation Plans; New Mexico; Prevention of Significant Deterioration; Greenhouse Gas Plantwide Applicability Limit Permitting Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve portions of one revision to the New Mexico State Implementation Plan (SIP) submitted by the New Mexico Environment Department (NMED) to EPA on January 8, 2013. The January 8, 2013, proposed SIP revision adopts necessary rule revisions to the PSD plantwide applicability limit (PAL) permitting provisions to issue PALs to GHG sources. EPA is proposing to approve the January 8, 2013 SIP revision to the New Mexico PSD permitting program as consistent with federal requirements for PSD permitting. At this time, EPA is proposing to sever and take no action on the portion of the January 8, 2013, SIP revision that relates to the provisions of EPA's July 20, 2011 GHG Biomass Deferral Rule. EPA is proposing this action under section 110 and part C of the Clean Air Act (CAA or the Act). EPA is not proposing to approve these rules within the exterior boundaries of a reservation or other areas within any Tribal Nation's jurisdiction.

DATES: Comments must be received on or before September 23, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2013–0060, by one of the following methods:

- *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Email:* Ms. Adina Wiley at *wiley.adina@epa.gov.*
- *Fax:* Ms. Adina Wiley, Air Permits Section (6PD–R), at fax number 214–665–6762.
- *Mail or Delivery:* Ms. Adina Wiley, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2013–0060. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://*

www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. 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 and any form of encryption and should be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. A 15 cent per page fee will be charged for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area on the seventh floor at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittals related to this SIP revision, and which are part of the EPA docket, are also available for public inspection at the Local Air Agency listed below during official business hours by appointment:

New Mexico Environment Department, Air Quality Bureau, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502.

FOR FURTHER INFORMATION CONTACT: Ms. Adina Wiley (6PD–R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue (6PD–R), Suite 1200, Dallas, TX 75202–2733. The telephone number is (214) 665–2115. Ms. Wiley can also be reached via electronic mail at *wiley.adina@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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I. Background for Our Proposed Action

The Act at section 110(a)(2)(C) requires states to develop and submit to EPA for approval into the state SIP, preconstruction review and permitting programs applicable to certain new and modified stationary sources of air pollutants for attainment and nonattainment areas that cover both major and minor new sources and modifications, collectively referred to as the New Source Review (NSR) SIP. The CAA NSR SIP program is composed of three separate programs: Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NNSR), and Minor NSR. PSD is established in part C of title I of the CAA and applies in areas that meet the NAAQS—''attainment areas''—as well as areas where there is insufficient information to determine if the area meets the NAAQS—''unclassifiable areas.'' The NNSR SIP program is established in part D of title I of the CAA and applies in areas that are not in attainment of the NAAQS—''nonattainment areas.'' The Minor NSR SIP program addresses construction or modification activities that do not emit, or have the potential to emit, beyond certain major source thresholds and thus do not qualify as ''major'' and applies regardless of the designation of the area in which a source is located. EPA regulations governing the criteria that states must satisfy for EPA approval of the NSR programs as part of the SIP are contained in 40 CFR 51.160–51.166.

New Mexico submitted on January 8, 2013, regulations specific to the New Mexico PSD permitting program for approval by EPA into the New Mexico SIP. The January 8, 2013, SIP submittal includes the PSD permitting provisions that were adopted on January 7, 2013 at 20.2.74 NMAC to defer the application of the PSD requirements to biogenic carbon dioxide emissions from bioenergy and other biogenic stationary sources consistent with the EPA's final rule ''Deferral for CO_2 Emissions from Bioenergy and other Biogenic Sources under the Prevention of Significant Deterioration (PSD) and Title V Programs'' (76 FR 43490) (hereafter referred to as the ''Biomass Deferral Rule''). The January 8, 2013, SIP submittal also adopts regulations that provide NMED the ability to issue GHG PALs consistent with the ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits Final Rule'' (77 FR 41051) hereafter referred to as the ''Tailoring Rule Step 3''.

On July 12, 2013, the U.S. Court of Appeals for the D.C. Circuit issued its decision to vacate the Biomass Deferral Rule. See *Center for Biological Diversity* v. *EPA* (D.C. Cir. No. 11–1101).[1] At this time, EPA is proposing to sever and take no action on the portion of the January 8, 2013, SIP submittal that adopted the biomass deferral provisions.

Today's proposed action and the accompanying Technical Support Document (TSD) present our rationale for proposing approval of these regulations as meeting the minimum federal requirements for the adoption and implementation of the PSD SIP permitting programs.

A. History of EPA's GHG-Related Actions

This section briefly summarizes EPA's recent GHG-related actions that provide the background for this action. For more information about EPA's actions, please

[1] The July 12, 2013, order states ''[it] is ORDERED, on the court's own motion, that the Clerk withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41. This instruction to the Clerk is without prejudice to the right of any party to move for expedited issuance of the mandate for good cause shown.''

see the preambles for the identified GHG-related rulemakings discussed in the following paragraphs. The citations for each rulemaking are included below in footnotes to aid the reader.

EPA has recently undertaken a series of actions pertaining to the regulation of GHGs that, although for the most part are distinct from one another, establish the overall framework for today's final action on the New Mexico SIP. Four of these actions include, as they are commonly called, the ''Endangerment Finding'' and ''Cause or Contribute Finding,'' which EPA issued in a single final action,[2] the ''Johnson Memo Reconsideration,''[3] the ''Light-Duty Vehicle Rule,''[4] and the ''Tailoring Rule.''[5] Taken together and in conjunction with the CAA, these actions established regulatory requirements for GHGs emitted from new motor vehicles and new motor vehicle engines; determined that such regulations, when they took effect on January 2, 2011, subjected GHGs emitted from stationary sources to PSD requirements; and limited the applicability of PSD requirements to GHG sources on a phased-in basis. EPA took this last action in the Tailoring Rule, which, more specifically, established appropriate GHG emission thresholds for determining the applicability of PSD requirements to GHG-emitting sources. PSD is implemented through the SIP system, and so in December 2010, EPA promulgated several rules to implement the new GHG PSD SIP program. Recognizing that some states had approved SIP PSD programs that did not apply PSD to GHGs, EPA issued a SIP call and, for some of these States, finalized a finding of failure to submit followed by a Federal Implementation Plan.[6][7][8]

For other states, EPA recognized that many states had approved SIP PSD programs that do apply PSD to GHGs, but that do so for sources that emit as little as 100 or 250 tpy of GHG, and that do not limit PSD applicability to GHGs to the higher thresholds in the Tailoring Rule; therefore, EPA issued the GHG PSD SIP Narrowing Rule.[9] Under that rule, EPA withdrew its approval of the affected SIPs to the extent those SIPs covered GHG-emitting sources below the Tailoring Rule thresholds. EPA based its action primarily on the ''error correction'' provisions of CAA section 110(k)(6). Under the GHG PSD SIP Narrowing Rule, EPA withdrew the approval of the New Mexico PSD SIP only to the extent that the New Mexico SIP covered GHG-emitting sources below the Tailoring Rule thresholds. EPA has since removed the Narrowing Rule restrictions from the New Mexico SIP because we approved the revisions to the New Mexico PSD program that were submitted on December 1, 2010, establishing appropriate GHG PSD permitting thresholds consistent with EPA's Tailoring Rule. See 76 FR 43149, July 20, 2011.

B. EPA's Biomass Deferral Rule

On July 20, 2011, EPA promulgated the final ''Deferral for CO_2 Emissions from Bioenergy and other Biogenic Sources Under the Prevention of Significant Deterioration (PSD) and Title V Programs'' (Biomass Deferral Rule). The Biomass Deferral delayed until July 21, 2014 the consideration of CO_2 emissions from bioenergy and other biogenic sources when determining whether a stationary source meets the PSD and Title V applicability thresholds.

The D.C. Circuit Court issued its decision to vacate the Biomass Deferral Rule on July 12, 2013.

C. EPA's Tailoring Rule Step 3

On July 12, 2012, EPA promulgated the final ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits'' (GHG Tailoring Rule Step 3 and GHG PALs). Following is a brief discussion of the Tailoring Rule Step 3. For a full discussion of EPA's rationale for the rule, see the notice of final rulemaking at 77 FR 41051.

In the Tailoring Rule, we made regulatory commitments for subsequent action, including promulgating the Tailoring Rule Step 3. Specifically, we committed in Step 3 to propose or solicit comment on lowering the 100,000/75,000 major source threshold on the basis of three criteria that concerned whether the permitting authorities had the necessary time to develop greater administrative capacity due to an increase in resources or permitting experience, as well as whether the EPA and the permitting authorities had developed ways to streamline permit issuance. We committed to complete the Step 3 action by July 1, 2012.

The EPA finalized Step 3 by determining not to lower the current GHG applicability thresholds from the Step 1 and Step 2 levels at this time. We found that the three criteria have not been met because state permitting authorities have not had sufficient time and opportunity to develop the necessary infrastructure and increase their GHG permitting expertise and capacity, and that we and the state permitting authorities have not had the opportunity to develop streamlining measures to improve permit implementation. See 77 FR 41051, 41052.

The Tailoring Rule Step 3 also promulgated revisions to our regulations under 40 CFR part 52 for better implementation of the federal program for establishing PALs for GHG emissions. A PAL establishes a site-specific plantwide emission level for a pollutant that allows the source to make changes at the facility without triggering the requirements of the PSD program, provided that emissions do not exceed the PAL level. Under the EPA's interpretation of the federal PAL provisions, such PALs are already available under PSD for non-GHG pollutants and for GHGs on a mass basis, and we revised the PAL regulations to allow for GHG PALs to be established on a CO2e basis as well. We also revised the regulations to allow a GHG-only source to submit an application for a CO2e-based GHG PAL while also maintaining its minor source status. We believe that these actions could streamline PSD permitting programs by allowing sources and permitting authorities to address GHGs one time for a source and avoid repeated subsequent permitting actions for a 10-year period. See 77 FR 41051, 41052.

[2] ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act.'' 74 FR 66496 (December 15, 2009).

[3] ''Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs.'' 75 FR 17004 (April 2, 2010).

[4] ''Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule.'' 75 FR 25324 (May 7, 2010).

[5] Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule; Final Rule.'' 75 FR 31514 (June 3, 2010).

[6] ''Action to Ensure Authority to Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call; Final Rule'' 75 FR 77698 (December 13, 2010). New Mexico was not subject to the SIP Call.

[7] ''Action to Ensure Authority to Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases'' 75 FR 81874 (December 29, 2010). New Mexico was not subject to the SIP Call so EPA did not make a finding of failure to submit for New Mexico.

[8] ''Action to Ensure Authority to Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan'' 75 FR 82246 (December 30, 2010). New Mexico was not covered by the GHG PSD Federal Implementation Plan.

[9] ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting Sources in State Implementation Plans; Final Rule'' 75 FR 82536 (December 30, 2010).

II. Summary of State Submittal

EPA's most recent approval to the New Mexico PSD program was on January 22, 2013, where we updated our approval of the NM PSD program to include the required elements for PSD permitting of $PM_{2.5}$ that were submitted on May 23, 2011. See 78 FR 4339. Since that time, the State of New Mexico has adopted and submitted one revision to the PSD program on January 8, 2013, affecting the following sections:

- 20.2.74.7 NMAC—Definitions,
- 20.2.74.320 NMAC—Actuals Plantwide Applicability Limits (PALs)

These revisions have been submitted to adopt and implement the GHG Biomass deferral provisions consistent with EPA's July 20, 2011 Final Rule titled ''Deferral for CO2 Emissions from Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration (PSD) and Title V Programs'', and the Tailoring Rule Step 3 permitting provisions consistent with EPA's July 12, 2012 Final Rule titled ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits''. The New Mexico Environment Department received no comments on this rulemaking.

III. EPA's Analysis of State Submittal

As explained more fully in the accompanying TSD in this rulemaking, New Mexico has adopted and submitted regulations that are substantively similar to the federal requirements for the permitting of GHG-emitting sources subject to PSD. The detailed analysis in our TSD demonstrates that the revisions to 20.2.74.7(AZ)(1) and 20.2.74.320 NMAC adopted on January 7, 2013, and submitted on January 8, 2013, appropriately revised the PSD PAL permitting requirements to provide the NMED the authority to issue GHG PALs, consistent with EPA's Tailoring Rule Step 3 for GHG PALs. Our analysis also demonstrated that non-substantive revisions adopted at 20.2.74.7(AZ)(1), (2), (2)(b), (3), (4), and (5) to correct typographical errors are also approvable.

Our analysis also demonstrates that New Mexico adopted revisions to the definition of ''subject to regulation'' at 20.2.74.7(AZ)(2)(*a*) NMAC on January 7, 2013, and submitted on January 8, 2013, for the GHG biomass deferral rule. The D.C. Circuit Court issued its decision to vacate EPA's Biomass Deferral Rule on July 12, 2013. At this time, we are proposing to sever and take no action on the submitted biomass revisions from New Mexico.

IV. Proposed Action

EPA proposes to approve portions of the January 8, 2013, submitted revisions to 20.2.74 NMAC into the New Mexico PSD SIP. New Mexico's January 8, 2013, proposed SIP revision adopts the necessary rule revisions to provide NMED the authority to issue GHG PALs in the New Mexico PSD program. EPA has made the preliminary determination that the January 8, 2013 revisions to 20.2.74 NMAC are approvable because they are adopted and submitted in accordance with the CAA and EPA regulations regarding PSD permitting for GHGs. Therefore, under section 110 and part C of the Act, and for the reasons stated above, EPA proposes to approve the following revisions to the New Mexico SIP:

- Substantive revisions to 20.2.74.7(AZ)(1) NMAC establishing GHG PAL permitting requirements,
- Non-substantive revisions to 20.2.74.7(AZ)(1), (2), (2)(*b*), (3), (4), and (5) to correct formatting, and
- Substantive revisions to 20.2.74.320 NMAC establishing the GHG PAL permitting requirements.

EPA is proposing to sever and take no action at this time on the submitted revisions to 20.2.74.7(AZ)(2)(*a*) NMAC. The D.C. Circuit Court issued an order to vacate EPA's Biomass Deferral Rule on July 12, 2013.

EPA is not proposing to approve these rules within the exterior boundaries of a reservation or other areas within any Tribal Nation's jurisdiction.

V. Statutory and Executive Order Reviews

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

- is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: August 9, 2013.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2013–20657 Filed 8–22–13; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2011–0727; FRL–FRL–9900–24–Region 8]

Promulgation of State Implementation Plan Revisions; Revision to Prevention of Significant Deterioration Program; Infrastructure Requirements for the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standards; Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to partially approve and partially disapprove the State Implementation Plan (SIP) submissions from the State of Utah to demonstrate that the SIP meets the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for particulate matter less than or equal to 2.5 micrometers (μm) in diameter ($PM_{2.5}$) on July 18, 1997 and on October 17, 2006. The CAA requires that each state, after a new or revised NAAQS is promulgated, review their SIP to ensure that it meets the requirements of the ''infrastructure elements'' necessary to implement the new or revised NAAQS. The State of Utah provided infrastructure submissions for the 1997 and 2006 $PM_{2.5}$ NAAQS, dated April 17, 2008 and September 21, 2010, respectively. We propose to disapprove the submissions with respect to the requirements for state boards and to approve the remaining submissions that we have not already acted on. We also propose to approve portions of a submission from the State which was received by EPA on March 19, 2012. This submission revises Utah's Prevention of Significant Deterioration (PSD) program to meet Federal requirements as they existed on July 1, 2011, including required elements of EPA's 2008 $PM_{2.5}$ New Source Review (NSR) Implementation Rule and 2010 $PM_{2.5}$ Increment Rule. EPA acted separately on the State's submissions to meet certain interstate transport requirements of the CAA for the 2006 $PM_{2.5}$ NAAQS.

DATES: Written comments must be received on or before September 23, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2011–0727, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: ayala.kathy@epa.gov*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2011–0727. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to section I, General Information, of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Kathy Ayala, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. 303–312–6142, *ayala.kathy@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The initials *CBI* mean or refer to confidential business information.

(iii) The initials *DEQ* mean or refer to Department of Environmental Quality.

(iv) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(v) The initials *FIP* mean or refer to a Federal Implementation Plan.

(vi) The initials *GHG* mean or refer to greenhouse gases.

(vii) The initials *NAAQS* mean or refer to national ambient air quality standards.

(viii) The initials NO_X mean or refer to nitrogen oxides.

(ix) The initials *NSR* mean or refer to new source review.

(x) The initials *OAQPS* mean or refer to the Office of Air Quality Planning and Standards.

(xi) The initials *PM* mean or refer to particulate matter.

(xii) The initials $PM_{2.5}$ mean or refer to particulate matter with an aerodynamic diameter of less than 2.5 micrometers (fine particulate matter).

(xiii) The initials *ppm* mean or refer to parts per million.

(xiv) The initials *PSD* mean or refer to Prevention of Significant Deterioration.

(xv) The initials *SIP* mean or refer to State Implementation Plan.

(xvi) The initials *SSM* mean or refer to start-up, shutdown, or malfunction.

(xvii) The initials *UAC* mean or refer to Utah Administrative Code.

(xviii) The initials *UCA* mean or refer to Utah Code Annotated.

(xix) The initials *UDAQ* mean or refer to the Utah Department of Air Quality.

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I. General Information

What should I consider as I prepare my comments for EPA?

1. *Submitting Confidential Business Information (CBI).* Do not submit CBI to EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register**, date, and page number);
- Follow directions and organize your comments;
- Explain why you agree or disagree;
- Suggest alternatives and substitute language for your requested changes;
- Describe any assumptions and provide any technical information and/or data that you used;
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced;
- Provide specific examples to illustrate your concerns, and suggest alternatives;
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats; and
- Make sure to submit your comments by the comment period deadline identified.

II. Background

On July 18, 1997, EPA promulgated new NAAQS for particulate matter less than or equal to 2.5 micrometers (μm) in diameter ($PM_{2.5}$). Two new $PM_{2.5}$ standards were added, set at 15 μg/m^3, based on the 3-year average of annual arithmetic mean $PM_{2.5}$ concentration from single or multiple community-oriented monitors, and 65 μg/m^3, based on the 3-year average of the 98th percentile of 24-hour $PM_{2.5}$ concentrations at each population-oriented monitor within an area. In addition, the 24-hour PM_{10} standard was revised to be based on the 99th percentile of 24-hour PM_{10} concentration at each monitor within an area (62 FR 38652).

On October 17, 2006 EPA promulgated a revised NAAQS for $PM_{2.5}$, tightening the level of the 24-hour $PM_{2.5}$ standard to 35 μg/m^3 and retaining the level of the annual $PM_{2.5}$ standard at 15 μg/m^3. EPA also retained the 24-hour PM_{10} standard and revoked the annual PM_{10} standard (71 FR 61144). By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised standard. Section 110(a)(2) provides basic requirements for SIPs, including emissions inventories, monitoring, and modeling, to assure attainment and maintenance of the standards. These requirements are set out in several ''infrastructure elements,'' listed in section 110(a)(2).

Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, and the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The contents of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 1997 and 2006 $PM_{2.5}$ NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous NAAQS.

III. What is the scope of this rulemaking?

This rulemaking will not cover four substantive issues that are not integral to acting on a state's infrastructure SIP submission: (i) Existing provisions related to excess emissions during periods of start-up, shutdown, or malfunction at sources, that may be contrary to the CAA and EPA's policies addressing such excess emissions (''SSM''); (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that purport to permit revisions to SIP approved emissions limits with limited public process or without requiring further approval by EPA, that may be contrary to the CAA (''director's discretion''); (iii) existing provisions for minor source NSR programs that may be inconsistent with the requirements of the CAA and EPA's regulations that pertain to such programs (''minor source NSR''); and, (iv) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (''NSR Reform''). Instead, EPA has indicated that it has other authority to address any such existing SIP defects in other rulemakings, as appropriate. A detailed rationale for why these four substantive issues are not part of the scope of infrastructure SIP rulemakings can be found in EPA's July 13, 2011, final rule entitled, ''Infrastructure SIP Requirements for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards'' in the section entitled, ''What Is The Scope Of This Final Rulemaking?'' (*see* 76 FR 41075 at 41076–41079).

IV. What infrastructure elements are required under Sections 110(a)(1) and (2)?

Section 110(a)(1) provides the procedural and timing requirements for SIP submissions after a new or revised NAAQS is promulgated. Section 110(a)(2) lists specific elements the SIP must contain or satisfy. These infrastructure elements include requirements such as modeling, monitoring, and emissions inventories, which are designed to assure attainment and maintenance of the NAAQS. The elements that are the subject of this action are listed below.

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.

- 110(a)(2)(D): Interstate transport.
- 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local governments and regional agencies.
- 110(a)(2)(F): Stationary source monitoring and reporting.
- 110(a)(2)(G): Emergency powers.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(J): Consultation with government officials; public notification; and PSD and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

A detailed discussion of each of these elements is contained in the next section.

EPA is acting separately on Utah's submission to meet the requirements of element 110(a)(2)(D)(i)(I), interstate transport of pollutants which contribute significantly to nonattainment in, or interfere with maintenance by, any other state. EPA is also acting separately on the visibility portion of element 110(a)(2)(D)(i)(II).

Two elements identified in section 110(a)(2) are not governed by the three year submission deadline of section 110(a)(1) and are therefore not addressed in this action. These elements relate to part D of Title I of the CAA, and submissions to satisfy them are not due within three years after promulgation of a new or revised NAAQS, but rather are due at the same time nonattainment area plan requirements are due under section 172. The two elements are: (i) Section 110(a)(2)(C) to the extent it refers to permit programs (known as ''nonattainment new source review (NSR)'') required under part D, and (ii) section 110(a)(2)(I), pertaining to the nonattainment planning requirements of part D. As a result, this action does not address infrastructure elements related to the nonattainment NSR portion of section 110(a)(2)(C) or related to 110(a)(2)(I).

V. How did Utah address the infrastructure elements of sections 110(a)(1) and (2)?

1. *Emission limits and other control measures:* Section 110(a)(2)(A) requires SIPs to include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite the Utah Code Annotated (UAC) SIP Section I *(Legal Authority).* A.1.a., codified at R307–110–2 which allows adoption of standards and limits for attainment and maintenance of national standards (19–2–104 and 109, UCA) and was approved by EPA in the early 1980's and most recently on June 25, 2003 (68 FR 37744).

b. *EPA analysis:* Utah's SIP meets the requirements of CAA section 110(a)(2)(A) for the 1997 and 2006 PM NAAQS, subject to the following clarifications. First, this infrastructure element does not require the submittal of regulations or emission limitations developed specifically for attaining the 1997 and 2006 $PM_{2.5}$ NAAQS. Aside from this, the Utah SIP currently contains provisions for control of particulate matter, such as open burning provisions in R307–202, and for control of precursors, such as fuel sulfur content provisions in R307–203. Utah also regulates sources of $PM_{2.5}$ through its PSD and minor NSR programs. This suffices, in the case of Utah, to meet the requirements of section 110(a)(2)(A) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

Second, in this action, EPA is not proposing to approve or disapprove any existing state rules with regard to director's discretion or variance provisions. A number of states have such provisions which are contrary to the CAA and existing EPA guidance (52 FR 45109, Nov. 24, 1987), and the Agency plans to take action in the future to address such state regulations. In the meantime, EPA encourages any state having a director's discretion or variance provision which is contrary to the CAA and EPA guidance to take steps to correct the deficiency as soon as possible.

Finally, in this action, EPA is also not proposing to approve or disapprove any existing state provisions with regard to excess emissions during startup, shutdown, or malfunction (SSM) of operations at a facility. A number of states have SSM provisions which are contrary to the CAA and existing EPA guidance.[1] In the specific case of SSM provisions in the Utah SIP, EPA has issued a finding of substantial inadequacy and call for a SIP revision for Utah's ''unavoidable breakdown'' rule (76 FR 21639, Apr. 18, 2011). On May 9, 2013 (78 FR 27165), EPA proposed to approve revisions submitted by Utah to correct the deficiencies identified in EPA's April 18, 2011 SIP call. As stated above, though, EPA is not proposing to address SSM provisions in the context of this action and therefore proposes to approve the Utah certification for infrastructure element 110(a)(2)(A) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

2. *Ambient air quality monitoring/data system:* Section 110(a)(2)(B) requires SIPs to provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to ''(i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator.''

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite UAC rule R307–110–5 SIP Section IV (*Ambient Air Monitoring Program)* which provides a brief description of the purposes of the air monitoring program approved by EPA in the early 1980's and most recently on June 25, 2003 (68 FR 37744).

b. *EPA analysis:* Utah's air monitoring programs and data systems meet the requirements of CAA section 110(a)(2)(B) for the 1997 and 2006 $PM_{2.5}$ NAAQS. The State of Utah submitted a 2012 Air Monitoring Network Plan on June 5, 2013 which EPA approved for $PM_{2.5}$ on July 24, 2013.

3. *Program for enforcement of control measures:* Section 110(a)(2)(C) requires SIPs to include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved, including a permit program as required in parts C and D.

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite UAC rule R307–110–2, SIP Section I (*Legal Authority*), A.1.b., which allows for enforcement of applicable laws, regulations, and standards and to seek injunctive relief (Sections 19–2–104 and 19–2–115, UCA), and SIP Section I (*Legal Authority*), A.1.d., which provides authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard or interfere with prevention of significant deterioration requirements (Authority Utah Code

[1] Steven Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation, Memorandum to EPA Air Division Directors, ''State Implementation Plans (SIPs): Policy Regarding Emissions During Malfunctions, Startup, and Shutdown.'' (Sept. 20, 1999)

Section 19–2–108). EPA approved this SIP in the early 1980's and most recently on June 25, 2003 (68 FR 37744).

The State also cites UAC rule R307–110–9. SIP Section VIII (*PSD*), which describes the program to prevent significant deterioration of areas of the state where the air is clean. EPA approved SIP Section VIII, *PSD,* on July 15, 2011 (76 FR 41712).

b. *EPA analysis:* To generally meet the requirements of CAA section 110(a)(2)(C), the state is required to have SIP-approved PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 1997 and 2006 $PM_{2.5}$ NAAQS. As explained above, in this action EPA is not evaluating nonattainment related provisions, such as the nonattainment NSR program required by part D of the Act. EPA is evaluating the state's PSD program as required by part C of the Act, and the state's minor NSR program as required by 110(a)(2)(C).

PSD Requirements

Utah has a SIP-approved PSD program that meets the general requirements of part C of the Act (51 FR 31125). To satisfy the particular requirements of section 110(a)(2)(C), states should have a PSD program that applies to all regulated NSR pollutants, including greenhouse gases (GHGs). See 40 CFR 51.166(b)(48) and (b)(49). The PSD program should reflect current requirements for these pollutants. In particular, for three pollutants—ozone, $PM_{2.5}$, and GHGs—there are additional regulatory requirements (set out in portions of 40 CFR 51.166) that we considered in evaluating Utah's PSD program. In the rulemakings in which EPA revised the requirements in 40 CFR 51.166 for these pollutants, EPA also updated the federal PSD program at 40 CFR 52.21 accordingly.

Utah implements the PSD program by, for the most part, incorporating by reference the federal PSD program as it existed on a specific date. The State periodically updates the PSD program by revising the date of incorporation by reference and submitting the change as a SIP revision. As a result, the SIP revisions generally reflect changes to PSD requirements that EPA has promulgated prior to the revised date of incorporation by reference.

In particular, on July 15, 2011 (75 FR 41712), we approved portions of a Utah SIP revision that revised the date of incorporation by reference of the federal PSD program to July 1, 2007. That revision addressed the PSD requirements of the Phase 2 Ozone Implementation Rule promulgated in 2005 (70 FR 71612). As a result, the approved Utah PSD program meets current requirements for ozone.

With regard to GHGs, in the ''PSD SIP Narrowing Rule'' (75 FR 82536, Dec. 30, 2012), EPA withdrew its previous approval of Utah's PSD program to the extent that it applied PSD permitting to GHG emissions increases from GHG-emitting sources below thresholds set in EPA's June 3, 2010 ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule'' (''Tailoring Rule''), 75 FR 31514. EPA withdrew its approval on the basis that the State lacked sufficient resources to issue PSD permits to such sources at the statutory thresholds in effect in the previously-approved PSD program. After the PSD SIP Narrowing Rule, the portion of Utah's PSD SIP from which EPA withdrew its approval had the status of having been submitted to EPA but not yet acted upon. On June 22, 2011, EPA received a letter from Utah clarifying that the State relies only on the portion of the PSD program that remains approved after the PSD SIP Narrowing Rule issued on December 30, 2010 to satisfy the requirements of infrastructure element 110(a)(2)(C). Given EPA's basis for the PSD SIP Narrowing Rule and this clarification, the PSD program is adequate with respect to regulation of GHGs.

For $PM_{2.5}$, EPA has promulgated two relevant rules. The first, promulgated in 2008, addresses (among other things) treatment of $PM_{2.5}$ precursors in PSD programs. The second, promulgated in 2010, establishes (among other things) increments for $PM_{2.5}$.

On January 4, 2013, the U.S. Court of Appeals, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013), issued a judgment that remanded EPA's 2007 and 2008 rules implementing the 1997 $PM_{2.5}$ NAAQS. The Court ordered EPA to ''repromulgate these rules pursuant to Subpart 4 consistent with this opinion.'' *Id.* at 437. Subpart 4 of Part D, Title 1 of the CAA establishes additional provisions for particulate matter nonattainment areas.

The 2008 implementation rule addressed by the court decision, ''Implementation of New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$),'' (73 FR 28321, May 16, 2008), promulgated New Source Review (NSR) requirements for implementation of $PM_{2.5}$ in nonattainment areas (nonattainment NSR) and attainment/unclassifiable areas (PSD). As the requirements of Subpart 4 only pertain to nonattainment areas, EPA does not consider the portions of the 2008 Implementation rule that address requirements for $PM_{2.5}$ attainment and unclassifiable areas to be affected by the Court's opinion. Moreover, EPA does not anticipate the need to revise any PSD requirements promulgated in the 2008 Implementation rule in order to comply with the Court's decision. Accordingly, EPA's approval of Utah's infrastructure SIP as to elements (C) or (J) with respect to the PSD requirements promulgated by the 2008 Implementation rule does not conflict with the Court's opinion.

The Court's decision with respect to the nonattainment NSR requirements promulgated by the 2008 Implementation rule also does not affect EPA's action on the present infrastructure action. EPA interprets the Act to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program, from infrastructure SIP submissions due three years after adoption or revision of a NAAQS. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which would be due by the dates statutorily prescribed under subpart 2 through 5 under part D, extending as far as ten years following designations for some elements.

The second PSD requirement for $PM_{2.5}$ is contained in EPA's October 20, 2010 rule, ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)'' (75 FR 64864). EPA regards adoption of the $PM_{2.5}$ increments as a necessary requirement when assessing a PSD program for the purposes of element (C).

As explained above, the PSD program as currently approved into the SIP incorporates by reference the federal PSD program as it existed on July 1, 2007, prior to EPA's promulgation of the 2008 $PM_{2.5}$ Implementation Rule and the 2010 $PM_{2.5}$ Increment Rule. On March 14, 2012, the State of Utah submitted revisions to the PSD program that adopt by reference federal provisions of 40 CFR part 52, section 21, as they existed on July 1, 2011. As that date is after the effective date of the two rules, the submission incorporates the requirements of them. We propose to approve the necessary portions of the March 14, 2012 submission to reflect the 2008 $PM_{2.5}$ Implementation Rule and the 2010 $PM_{2.5}$ Increment Rule; specifically 40 CFR part 52, section 21, paragraphs (b)(14)(i),(ii),(iii), (b)(15)(i),(ii), (b)(23)(i), (b)(50) and paragraph (c) as they existed on July 1, 2011. We are not proposing to act on any other portions of the March 14,

2012 submittal, including the incorporation by reference of significant impact levels (SILs) and significant monitoring concentrations (SMCs) for $PM_{2.5}$.

With the partial approval of the March 14, 2012 submittal, the Utah PSD program will meet current requirements for all regulated NSR pollutants. As a result, we also propose to approve the Utah infrastructure SIP for element (C) for the 1997 and 2006 $PM_{2.5}$ NAAQS with respect to PSD requirements.

Finally, EPA proposes to correct, under section 110(k)(6) of the Act, a statement made regarding PSD programs in our July 22, 2011 notice (76 FR 43898) finalizing approval of Utah's infrastructure SIP for the 1997 ozone NAAQS. In that notice, we responded to a comment stating that proposed changes to the Utah Administrative Code would, among other things, restrict the availability of judicial review of PSD permits in state courts. In our response, we stated, among other things, ''Although EPA is not assessing the availability of state judicial review for PSD permits issued by Utah, as the CAA makes no requirements regarding such availability, EPA also notes that the comment does not explain, for example, why denial of a petition to intervene in a state administrative PSD permit proceeding would not exhaust the petitioner's administrative remedies and therefore make state judicial review available to the petitioner.'' The portion of our response stating that the Act makes no requirements regarding availability of judicial review for PSD permits was in error, (see, e.g., 61 FR 1880, 1882, Jan. 24, 1996; 77 FR 65305, 65306, Oct. 6, 2012), and we propose to correct the error by striking that clause. This correction does not change the basis for our approval of the Utah infrastructure SIP for the 1997 ozone NAAQS, as we rejected the comment on other grounds. This correction also does not reopen our previous action to comment with the exception of our proposed deletion of the incorrect language.

Minor NSR

The State has a SIP-approved minor NSR program, adopted under section 110(a)(2)(C) of the Act. The minor NSR program is found in section II of the Utah SIP, and was originally approved by EPA as section 2 of the SIP (see 68 FR 37744, June 25, 2003). Since approval of the minor NSR program, the State and EPA have relied on the program to assure that new and modified sources not captured by the major NSR permitting programs do not interfere with attainment and maintenance of the NAAQS.

In this action, EPA is proposing to approve Utah's infrastructure SIP for the 1997 and 2006 $PM_{2.5}$ NAAQS with respect to the general requirement in section 110(a)(2)(C) to include a program in the SIP that regulates the modification and construction of any stationary source as necessary to assure that the NAAQS are achieved. Utah's minor NSR program, as approved into the SIP, covers the construction and modification of stationary sources of ''air pollution,'' a defined term in the Utah SIP that covers a broad range of emissions, including $PM_{2.5}$ and its precursors.[2] EPA is not proposing to approve or disapprove the State's existing minor NSR program itself to the extent that it is inconsistent with EPA's regulations governing this program. A number of states may have minor NSR provisions that are contrary to the existing EPA regulations for this program. EPA intends to work with states to reconcile state minor NSR programs with EPA's regulatory provisions for the program. The statutory requirements of section 110(a)(2)(C) provide for considerable flexibility in designing minor NSR programs, and it may be time to revisit the regulatory requirements for this program to give the states an appropriate level of flexibility to design a program that meets their particular air quality concerns, while assuring reasonable consistency across the country in protecting the NAAQS with respect to new and modified minor sources.

4. *Interstate Transport:* Section 110(a)(2)(D)(i) is subdivided into four ''prongs,'' two under 110(a)(2)(D)(i)(I) and two under 110(a)(2)(D)(i)(II). The two prongs under 110(a)(2)(D)(i)(I) are (prong 1) contribute significantly to nonattainment in any other state with respect to any such national primary or secondary NAAQS, and (prong 2) interfere with maintenance by any other state with respect to the same NAAQS. The two prongs under 110(a)(2)(D)(i)(II) are (prong 3) interfere with measures required to be included in the applicable implementation plan for any other state under part C to prevent significant deterioration of air quality or (prong 4) to protect visibility. We are not acting on Utah's submissions with respect to the requirements of section 110(a)(2)(D)(i)(I) (prongs 1 and 2) in this proposed rulemaking. We are also not acting on the submissions with respect to the requirements of prong 4 (visibility protection) in this action.

a. *Utah's response to this requirement: Concerning PSD*—EPA believes this requirement is satisfied for $PM_{2.5}$ if a state's SIP includes preconstruction review programs for major sources that satisfy the requirements of both Nonattainment NSR and PSD (40 CFR 51.165(b)(1) and 51.166, respectively). All states are currently required to have some form of preconstruction permitting program for $PM_{2.5,}$ and as per the guidance, it is not necessary to make any rule revisions specifically for the purpose of Section 110 unless the area has outstanding program deficiencies.

Utah is currently operating under the PM_{10} surrogate policy for the PSD program, as outlined in the 1997 EPA memorandum entitled ''Interim Implementation of New Source Review Requirements for $PM_{2.5}$.'' Utah intends to incorporate $PM_{2.5}$ into the PSD program by May 2011, as required by the May 16, 2008, $PM_{2.5}$ Implementation Rule for $PM_{2.5}$ NSR. We anticipate that EPA will have established certain requirements, such as $PM_{2.5}$ increments and Significant Impact Levels, and stack testing requirements that need to be in place before $PM_{2.5}$ can be adequately addressed in the PSD program. Utah is currently operating under the provisions of Appendix S for $PM_{2.5}$ nonattainment areas.

b. *EPA Analysis:* As noted by Utah in their submission for the 2006 $PM_{2.5}$ NAAQS, we previously approved Utah's submission for all four portions of CAA section 110(a)(2)(D)(i), including the PSD and visibility portions, for the 1997 $PM_{2.5}$ NAAQS. (73 FR 16543). In this action, we are only assessing Utah's submission for the PSD portion of 110(a)(2)(D)(i) for the 2006 $PM_{2.5}$ NAAQS.

With regard to the PSD portion of section 110(a)(2)(D)(i)(II), this requirement may be met by the state's confirmation in an infrastructure SIP submission that new major sources and major modifications in the state are subject to a PSD program meeting all the current structural requirements of part C of title I of the CAA or (if the state contains a nonattainment area for the relevant pollutant) to a non-attainment NSR (NNSR) program that implements the 2006 $PM_{2.5}$ NAAQS. As discussed in more detail in section 110(a)(2)(C), with our concurrent approval of certain revisions to Utah's PSD program, Utah's SIP will contain a PSD program that reflects all structural PSD requirements. Additionally, as stated in its

[2] On June 12, 2013 (78 FR 35181), EPA proposed to partially approve and partially disapprove certain revisions to Utah's minor NSR program. The minor NSR program as amended by those revisions we proposed to approve would, if we complete our proposal, also satisfy the general requirement in 110(a)(2)(C) described above.

submission, Utah is operating under the provisions of Appendix S in its 2006 $PM_{2.5}$ nonattainment areas. The State therefore meets the structural NNSR requirements for this pollutant in the interim period between designation and final EPA approval of a nonattainment NSR program update. Accordingly, in this action EPA is proposing to approve the infrastructure SIP submission as meeting the requirements of prong 3 of CAA section 110(a)(2)(D)(i) for the 2006 $PM_{2.5}$ NAAQS.

5. *Adequate resources and authority:* Section 110(a)(2)(E) requires states to provide ''(i) necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any provision of federal or state law from carrying out the SIP or portion thereof)'' and ''(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of such SIP provision.''

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite SIP Section V (*Resources*) which commits to implement program activities in relation to resources provided by the annual State/EPA Agreement and 105 grant applications. EPA approved this SIP originally in the early 1980's and most recently on June 25, 2003 (68 FR 37744).

Section 41–6a–1642 provides counties the authority to run their own emissions inspection and maintenance program, and Subsection 41–6a–1642(2)(b)(i) requires the counties emissions inspection and maintenance program to be made to attain or maintain ambient air quality standards in the county, consistent with the SIP and federal requirements. Section X of the SIP outlines the specific requirements of the automotive inspection and maintenance program.

b. *EPA Analysis:* Chapter 2 of Title 19 of the Utah Code gives the UDAQ and Air Quality Board (AQB) adequate authority to carry out the SIP. The State receives sections 103 and 105 grant funds through its Performance Partnership Grant along with required State matching funds to provide funding necessary to carry out Utah's SIP requirements. Utah's SIP meets the requirements of CAA section 110(a)(2)(E)(i) and (E)(iii) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

6. *State boards:* Section 110(a)(2)(E)(ii) requires that the state comply with the requirements respecting state boards under CAA section 128.

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite UAC rules R307–110–2 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744), R307–110–31 (approved by EPA on November 2, 2005 at 70 FR 66264), R307–32 (approved by EPA on July 17, 1997 at 62 FR 38213), R307–33 (approved by EPA on August 1, 2005 at 70 FR 44055), R307–34 (approved by EPA on November 2, 2005 at 70 FR 66264), and R307–35 (approved by EPA on September 14, 2005 at 70 FR 54267).

SIP Section I (Legal Authority), A.1.g, recognizes the requirement that the State comply with provisions of the CAA (Section 128) respecting State Boards (Sections 19–2–104 UCA).

b. *EPA Analysis:* We propose to disapprove Utah's submissions for element 110(a)(2)(E)(ii) because the submissions do not adequately address the requirements of CAA section 128. To explain our proposed disapproval, we must discuss the state law governing the composition and authority of the Utah AQB. Under sections 19–1–301 and 19–2–104 of the Utah Code as they existed at the time of Utah's infrastructure submissions, the AQB had the authority to review decisions proposed by an administrative law judge (ALJ) on administrative appeals of permits and enforcement orders issued by the Utah DAQ. In other words, at that time the AQB was a ''board or body which approves permits or enforcement orders'' under the CAA and so fell within the scope of CAA section 128.[3]

Correspondingly, as described in Utah's infrastructure submissions, Utah SIP Section I referenced Utah Code section 19–2–104, which sets out the powers of the AQB, as addressing the requirements of CAA section 128. However, Utah Code section 19–2–103, which sets out the composition of the AQB, more directly addressed those requirements. In particular, section 19–2–103 required a majority of members to not derive a significant portion of their income from persons subject to permits or enforcement orders under the Act, and it specified a diverse range of interests that particular members must represent. In addition, section 19–2–103 required members of the AQB to adequately disclose potential conflicts of interest.

However, Utah's infrastructure submissions no longer reflect state law. In two bills enacted in 2012, the Utah Legislature amended Utah Code sections 19–1–301, 19–2–103, and 19–2–104 in several significant ways.[4] First, the Legislature added section 19–1–301.5, which governs administrative appeals of permits issued by UDAQ. Section 19–1–301 continues to govern adjudicative proceedings regarding other UDAQ actions. Second, in both sections 19–1–301 and 19–1–301.5, the Legislature transferred the authority of the AQB over proposed ALJ decisions to the Executive Director of DEQ. Correspondingly, the Legislature amended section 19–2–104 to reflect that the AQB no longer retained that authority. However, the AQB appears to still retain some enforcement authorities under Utah Code sections 19–2–104(3)(a)(ii) and (b)(i). In addition, the Legislature modified the requirements for composition of the AQB and removed the provision requiring members of the AQB to disclose potential conflicts of interest.

With these changes in state law, Utah's infrastructure SIP submissions do not adequately address how or whether CAA sections 110(a)(2)(E)(ii) and 128 are satisfied by the State's SIP. First, to the extent that, after the changes in state law, the AQB remains a board that approves enforcement orders within the meaning of CAA section 128, the SIP should contain provisions addressing the requirements of section 128 as applied to the AQB, including the requirement of section 128(a)(2) that members of the AQB adequately disclose potential conflicts of interest. Even if the requirements of section 128 were previously addressed to some extent by Utah Code section 19–2–103,[5] the current version of section 19–2–103 at a minimum no longer addresses disclosure of potential conflicts of interest by the AQB. Second, to the extent that, after the changes in state law, the Executive Director of DEQ now approves permits within the meaning of CAA section 128, the Executive Director (and/or the Executive Director's delegate) is subject to the disclosure requirements of section

[3] See, for example, 78 FR 32613 (May 31, 2013), for a discussion of the phrase ''board or body which approves permits or enforcement orders.''

[4] Enrolled copies of Utah Senate Bills 11 and 21 from the 2012 General Session, which show the changes in state law in strikeout/underline format, are provided in the docket for this action.

[5] EPA also notes that even if the previous version of Utah Code section 19–2–103 adequately addressed the requirements of section 128 as applied to the AQB, Utah SIP section I does not explicitly incorporate Utah Code section 19–2–103. Instead, it references Utah Code section 19–2–104, which does not address the requirements of CAA section 128. CAA Section 128 must be satisfied through federally enforceable provisions that are approved into the SIP. See, for example, 78 FR 32613 (May 31, 2013).

128(a)(2). See, for example, 78 FR 32613 (May 31, 2013). Neither the previous version nor the current version of Utah Code section 19–2–103 addresses disclosure of potential conflicts by the Executive Director.

As Utah's infrastructure submissions do not address the requirements of CAA sections 110(a)(2)(E)(ii) and 128 as they apply under current state law, we propose to disapprove Utah's submissions for the requirements of CAA section 110(a)(2)(E)(ii) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

7. *Stationary source monitoring system:* Section 110(a)(2)(F) requires ''(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the Act, which reports shall be available at reasonable times for public inspection.''

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite Section I (*Legal Authority*).A.1.f., codified at R307–110–2 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744) requiring owners or operators of stationary sources to install, maintain, and use emission monitoring devices; and to make periodic reports to the State DEQ on the nature and amounts of emissions from such sources. The State DEQ will make such data available to the public as reported and as correlated with any applicable emission standards or limitations (Sections 19–2–104, UCA).

The State's submissions also cite UAC rule R307–110–4 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744) SIP Section III (*Source Surveillance*) which includes inventory requirements, stack testing, and plant inspections (Sections 19–2–107 and 19–2–108, UCA, allow inspection of air pollution sources).

b. *EPA Analysis:* Utah's SIP meets the requirements of CAA section 110(a)(2)(F) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

8. *Emergency powers:* Section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite UAC rules R307–110–2 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744) SIP Section I (*Legal Authority*). A.1.c., that provides authority to abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons (Section 19–2–112, UCA); and R307–110–8 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744) SIP Section VII (*Prevention of Air Pollution Emergency Episodes*) (Section 19–2–112, UCA). A February 12, 2007, OAQPS Issue Paper indicated EPA will be issuing a significant harm level rule for $PM_{2.5}$. Utah will address the requirements of 110(a)(2)(G) after EPA promulgates this rule.

b. *EPA analysis:* Section 19–2–112 of the UCA, cited by Utah SIP Section I, provides DEQ with general emergency authority comparable to that in section 303 of the Act. The SIP also requires DEQ to follow criteria in 40 CFR 51.151 in proclaiming an emergency episode and to develop a contingency plan.

EPA's September 25, 2009 guidance suggested that states with areas that have had a $PM_{2.5}$ exceedance greater than 140.4 $\mu g/m^3$ should develop and submit an emergency episode plan. If no such concentration was recorded in the last three years, the guidance suggested that the State can rely on its general emergency authorities. In this rulemaking, we view these suggestions as still appropriate in assessing Utah's SIP for this element. Utah has not had such a recorded $PM_{2.5}$ level and thus an emergency episode plan for $PM_{2.5}$ is not necessary. The SIP therefore meets the requirements of CAA section 110(a)(2)(G) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

9. *Future SIP revisions:* Section 110(a)(2)(H) requires that SIPs provide for revision of such plan:

> (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and
>
> (ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the [SIP] is substantially inadequate to attain the [NAAQS] which it implements or to otherwise comply with any additional requirements under this [Act].

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite SIP Section I (*Legal Authority*).A.1.a, codified at R307–110–2, which identifies the statutory provisions that allow the UDAQ to revise its plans to take account of revisions of a NAAQS and to adopt expeditious methods of attaining and maintaining such standard. EPA approved this SIP originally in the early 1980's and most recently on June 25, 2003 at 68 FR 37744.

b. *EPA analysis:* Utah SIP Section I cites section 19–2–104 of the Utah Code. Section 19–2–104 gives the AQB sufficient authority to meet the requirements of CAA section 110(a)(2)(H).

10. *Consultation with government officials, public notification, PSD and visibility protection:* Section 110(a)(2)(J) requires that each SIP ''meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to PSD of air quality and visibility protection).''

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements of section 121 relating to consultation cite UAC rules R307–110–2 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744) SIP Section I (*Legal Authority*).A.2, which adopts requirements for transportation consultation (Section 174, CAA); R307–110–7 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744) SIP Section VI (*Intergovernmental Cooperation*) which provides a brief listing of federal, state, and local agencies involved in protecting air quality in Utah; and R307–110–20 SIP Section XII (*Transportation Conformity Consultation*) which establishes the consultation procedures on transportation conformity issues when preparing state plans. EPA approved SIP Section XII, *Involvement,* but it has been superseded by SIP Section XII *Transportation Conformity Consultation,* which was submitted to EPA on June 26, 2007 but EPA has not approved this SIP.

The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements of section 127 relating to public notification cite UAC rule R307–110–24 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744) SIP Section XVI (*Public Notification*) which adopts the requirements to notify the public when the NAAQS have been exceeded as per section 127.

The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure

requirements of part C relating to the prevention of significant deterioration of air quality and visibility protection cite UAC rules R307–110–9 SIP Section VIII (*PSD*) which describes the program to prevent significant deterioration of areas of the state where the air is clean (EPA approved SIP Section VIII, *PSD,* but it has been updated and superseded by a new SIP Section VIII, *PSD,* which was submitted to EPA on September 15, 2006); and R307–110–25 (approved by EPA in April 1997 and most recently on June 25, 2003 at 68 FR 37744) SIP Section XVII (*Visibility Protection*) which describes the program to protect visibility, especially within the boundaries of the five national parks located in Utah (Sections 19–2–101 and 104, UCA).

b. *EPA Analysis:* The State has demonstrated that it has the authority and rules in place to provide a process of consultation with general purpose local governments, designated organizations of elected officials of local governments and any Federal Land Manager having authority over federal land to which the SIP applies, consistent with the requirements of CAA section 121. Furthermore, SIP section XVI, cited by Utah, satisfies the requirements of section 127 of the Act.

The State has a SIP-approved PSD program that incorporates by reference the federal program at 40 CFR 52.21; these provisions are located in R307–405–2 of the UAC. EPA has further evaluated Utah's SIP-approved PSD program in this proposed action under IV.3 of CAA section 110(a)(2)(C). There, we propose approval with respect to the PSD requirements of element (C); we do likewise here with respect to the PSD requirements of element (J).

Finally, with regard to the applicable requirements for visibility protection, EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the Act. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus we find that there is no new visibility obligation ''triggered'' under section 110(a)(2)(J) when a new NAAQS becomes effective. The Utah SIP meets the requirements of CAA section 110(a)(2)(J) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

11. *Air quality and modeling/data:* Section 110(a)(2)(K) requires that each SIP provide for:

(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a [NAAQS], and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite SIP Section II (*Review of New and Modified Air Pollution Sources*) codified at R307–110–3 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744) which provides that new or modified sources of air pollution must submit plans to the UDAQ and receive an Approval Order before operating (Section 19–2–104, UCA).

b. *EPA Analysis:* Utah's SIP meets the requirements of CAA section 110(a)(2)(K) for the 1997 and 2006 $PM_{2.5}$ NAAQS. In particular, Utah's PSD program incorporates by reference the federal program at 40 CFR 52.21, including the provision at § 52.21(l)(1) requiring that estimates of ambient air concentrations be based on applicable air quality models specified in Appendix W of 40 CFR part 51, and the provision at § 52.21(l)(2) requiring that modification or substitution of a model specified in Appendix W must be approved by the Administrator. As a result, the SIP provides for such air quality modeling as the Administrator has prescribed.

12. *Permitting fees:* Section 110(a)(2)(L) requires SIPs to require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this act, a fee sufficient to cover—

(i) the reasonable costs of reviewing and acting upon any application for such a permit, and

(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under [title] V.

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite SIP Section I *(Legal Authority).* A.1.h., codified at R307–110–2 (approved by EPA in the early 1980's and most recently on June 25, 2003 at 68 FR 37744) which authorizes a fee to major sources to cover permit and enforcement expenses.

b. *EPA Analysis:* Utah's SIP meets the requirements of CAA section 110(a)(2)(L) for the 1997 and 2006 $PM_{2.5}$ NAAQS. Final approval of Utah's title V operating permit program was given by EPA on June 8, 1995 (60 FR 30192). As discussed in the notice proposing approval of the title V program (60 FR 15105, Mar. 22, 1995), the State demonstrated that the fees collected were sufficient to administer the program. As mentioned by Utah in its submissions, the State is also authorized to collect fees from major stationary sources to cover permit and enforcement expenses.

13. *Consultation/participation by affected local entities:* Section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

a. *Utah's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite SIP Section VI (*Intergovernmental Cooperation*), codified at R307–110–7 (approved by EPA in the early 1980s and most recently on June 25, 2003 at 68 FR 37744), which lists federal, state, and local agencies involved in protecting air quality in Utah; and SIP Section XII (*Transportation Conformity Consultation*), codified at R307–110–20, which establishes the consultation procedures on transportation conformity issues when preparing state plans. EPA approved SIP Section XII, *Involvement,* but it has been superseded by SIP Section XII, *Transportation Conformity Consultation,* which was submitted to EPA on June 26, 2007, but has not been approved by EPA.

b. *EPA Analysis:* Utah's submittal meets the requirements of CAA section 110(a)(2)(M) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

VI. What action is EPA taking?

In this action, EPA is proposing to approve the following CAA section 110(a)(2) infrastructure elements for the 1997 and 2006 $PM_{2.5}$ NAAQS: (A), (B), (C) with respect to minor NSR and PSD requirements, (D)(i)(II) with respect to PSD requirements, (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M). EPA proposes to disapprove the section 110(a)(2)(E)(ii) infrastructure element for the 1997 and 2006 $PM_{2.5}$ NAAQS. We propose to approve the following portions of the State's March 14, 2012 submission to address the 2008 $PM_{2.5}$ NSR Implementation Rule and the 2010 $PM_{2.5}$ Increment Rule; specifically we propose to approve the adoption of the text of 40 CFR 52.21, paragraphs (b)(14)(i),(ii),(iii); (b)(15)(i),(ii); (b)(23)(i); (b)(50) and paragraph (c) as they existed on July 1, 2011. Finally, EPA is taking no action on infrastructure elements (D)(i)(I), interstate transport of pollutants which contribute

significantly to nonattainment in, or interfere with maintenance by, any other state, and (D)(i)(II), with respect to visibility requirements for the 2006 $PM_{2.5}$ NAAQS as EPA is acting separately on these elements.

VII. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999); is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and,
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Greenhouse gases, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds, Incorporation by reference.

Dated: August 8, 2013.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2013–20662 Filed 8–22–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0576; FRL–9900–25–Region 9]

Revisions to the Arizona State Implementation Plan, Maricopa County Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Maricopa County Area portion of the Arizona State Implementation Plan (SIP). These revisions concern particulate matter (PM) emissions from fugitive dust sources. We are approving local statutes that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by September 23, 2013.

ADDRESSES: Submit comments, identified by docket number [EPA–R09–OAR–2013–0576], by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.
2. *Email: steckel.andrew@epa.gov.*
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 942–3848, *levin.nancy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the statutes addressed by this proposal with the dates that they were signed into law by the Governor and submitted by the Arizona Department of Environmental Quality.

TABLE 1—SUBMITTED RULES

Arizona statute	Statute title	Signed	Submitted	Revised submittal
9–500.27	Off-road vehicle ordinance; applicability; violation; classification	July 2, 2007	May 25, 2012	May 21, 2013.
11–871	Emissions control; no burn; exemptions; penalty	July 2, 2007	May 25, 2012	May 21, 2013.
28–1098	Vehicle loads; restrictions; civil penalties	July 2, 2007	May 25, 2012	May 21, 2013.
49–457.03	Off-road vehicles; pollution advisory days; applicability; penalties	July 2, 2007	May 25, 2012	May 21, 2013.
49–457.04	Off-highway vehicle and all-terrain vehicle dealers; informational material; outreach; applicability.	July 2, 2007	May 25, 2012	May 21, 2013.
49–501	Unlawful open burning; exceptions; fine; definition	July 2, 2007	May 25, 2012	May 21, 2013.

On July 20, 2012, EPA determined that the May 25, 2012 submittal of Arizona Revised Statutes (ARS) 9–500.27, 11–871, 28–1098, 49–457.03, 49–457.04 and 49–501 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review. On May 21, 2013 ADEQ identified several statute subsections included in the May 25, 2012 submittal for which Arizona no longer requested EPA SIP approval and provided a revised submittal.

B. Are there other versions of these rules?

There are no previous versions of these statutes in the SIP, although the Maricopa Association of Governments submitted them with the 2007 Five Percent Plan for PM–10, which was subsequently withdrawn.

C. What is the purpose of the submitted rules?

PM contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires States to submit regulations that control PM emissions. These statutes regulate PM emissions from off-highway vehicles, all-terrain vehicles, off-road recreational motor vehicles, residential wood burning and vehicle loads. EPA's technical support documents (TSDs) have more information about these statutes. The State is not taking emission reduction credits for these statutes.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193).

Guidance and policy documents that we use to evaluate these requirements consistently include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register** Notice,'' (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

3. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

4. ''State Implementation Plans for Serious PM–10 Nonattainment Areas, and Attainment Date Waivers for PM–10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 59 FR 41998 (August 16, 1994).

5. ''PM–10 Guideline Document,'' EPA 452/R–93–008, April 1993.

6. ''Fugitive Dust Background Document and Technical Information Document for Best Available Control Measures,'' EPA 450/2–92–004, September 1992.

B. Do the rules meet the evaluation criteria?

We believe these statutes are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSDs have more information on our evaluation.

C. EPA Recommendations to Further Improve the Rules

The TSDs describes additional rule revisions that we recommend for the next time Arizona modifies the rules but are not currently the basis for rule disapproval.

D. Public Comment and Proposed Action

Because EPA believes the submitted statutes fulfill all relevant requirements, we are proposing to fully approve them as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate these rules into the federally enforceable SIP.

III. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- Is certified as not having a significant economic impact on a

substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: August 8, 2013.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2013–20654 Filed 8–22–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 130402317–3707–01]

RIN 0648–XC611

Atlantic Highly Migratory Species; 2014 Atlantic Shark Commercial Fishing Season

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would establish opening dates and adjust quotas for the 2014 fishing season for the Atlantic commercial shark fisheries. Quotas would be adjusted as allowable based on any over- and/or underharvests experienced during 2013 and previous fishing seasons. In addition, NMFS proposes season openings based on adaptive management measures to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas. The proposed measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea.

DATES: Written comments will be accepted until September 23, 2013.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0112, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0112,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope ''Comments on the Proposed Rule to Establish Quotas and Opening Dates for the 2014 Atlantic Shark Commercial Fishing Season.''

• *Fax:* 301–427–8503, Attn: Karyl Brewster-Geisz or Guý DuBeck.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Guý DuBeck or Karyl Brewster-Geisz at 301–427–8503.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic commercial shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. For the Atlantic commercial shark fisheries, the 2006 Consolidated HMS FMP and its amendments established, among other things, commercial quotas for species and management groups, accounting measures for under- and overharvests for the shark fisheries, and adaptive management measures such as flexible opening dates for the fishing season and inseason adjustments to shark trip limits, which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas.

Accounting for Under- and Overharvests

This proposed rule would adjust the quota levels for the different shark stocks and management groups for the 2014 Atlantic commercial shark fishing season based on over- and underharvests that occurred during 2013 and previous fishing seasons, consistent with existing regulations at 50 CFR 635.27(b)(2). Over- and underharvests are accounted for in the same region and/or fishery in which they occurred the following year or, for overharvests, spread over a number of subsequent fishing years to a maximum of 5 years. Shark stocks or management groups that contain one or more stocks that are overfished, have overfishing occurring, or that have an unknown status, will not have underharvest carried over in the following year. Stocks that are not overfished and have

no overfishing occurring may have any underharvest carried over in the following year, up to 50 percent of the base quota.

For the sandbar shark, aggregated large coastal shark (LCS), hammerhead shark, blacknose shark, blue shark, and pelagic shark (other than porbeagle or blue sharks) management groups, the 2013 underharvests cannot be carried over to the 2014 fishing season because those stocks or management groups have been determined to be overfished, overfished with overfishing occurring, or have an unknown status. The porbeagle shark management group was not opened in 2013 due to overharvests from both 2011 and 2012 (2.1 mt dw; 4,622 lb dw). Since these overharvests exceeded the 2013 porbeagle base quota, we still need to reduce the 2014 base quota to account for the remaining overharvest (0.4 mt dw; 824 lb dw). Thus, for all of these management groups, the 2014 proposed quotas would be equal to the appropriate base quota minus any overharvests that occurred in 2013 and previous fishing seasons, as applicable.

For Gulf of Mexico blacktip shark and non-blacknose small coastal shark (SCS) management groups, which have been determined not to be overfished and have no overfishing occurring, available underharvest (up to 50 percent of the base quota) from the 2013 fishing season can be applied to the 2014 quota, and we propose to do so in 2014.

2014 Proposed Quotas

This rule proposes adjustments to the base commercial quotas due to over- and underharvests that occurred in 2013 and previous fishing seasons, where allowable, taking into consideration the stock status as required under existing regulations.

The quotas in this proposed rule are based on dealer reports received as of July 16, 2013. In the final rule, we will adjust the quotas based on dealer reports received as of November 15, 2013. Thus, all of the 2014 proposed quotas for the respective stocks and management groups will be subject to further adjustment after we consider the November 15 landings data. All dealer reports that are received after November 15, 2013, will be used to adjust the 2015 quotas, as appropriate.

We are proposing to spread the 2012 overharvest of the blacknose shark quota across 5-years in both the Atlantic and Gulf of Mexico regions. In the final rule establishing quotas for the 2013 shark season (77 FR 75896; December 26, 2012), we established the blacknose shark quota as the base quota without adjustment, as dealer reports received by November 15, 2012, did not indicate any overharvest. However, after that final rule published, we received late dealer reports with blacknose shark landings from both before and after November 15, 2012, that indicated the 2012 blacknose shark quota was exceeded by 18 percent or 3.5 mt dw. Since that final rule published, we have finalized and implemented Amendment 5a to the 2006 Consolidated HMS FMP, which, among other things, established Atlantic and Gulf of Mexico regional quotas for blacknose sharks. Because the 2012 overharvest was the result of landings in both the Atlantic and Gulf of Mexico regions, to account for the overharvest amount, we are proposing to split the total overharvest between the regions based on the percent of landings of blacknose sharks reported in each region. Seventy-two percent of the 3.5 mt dw overharvest (2.5 mt dw) would therefore count against the Atlantic region quota and 28 percent or 1.0 mt dw would count against the Gulf of Mexico region quota.

Current regulations allow us to spread out the overharvest accounting over as many as 5 years, depending on the status of the stock. We are proposing to spread out the overharvest accounting over 5 years, the maximum allowable time period, and we are specifically requesting comments on whether we should adjust the quotas over 5 or fewer years (2, 3, or 4) or simply account for the entire overharvest in 2014. As described below, we are proposing to spread the overharvest over 5 years based on economic and ecological impacts. In the Atlantic region, accounting for the overharvest over 5 years would result in an overharvest reduction of 0.5 mt dw per year, each year through 2018. The 0.5 mt dw reduction represents only 3 percent of the Atlantic region blacknose quota and thus would have minor economic impacts on the fishermen and neutral ecological impacts on the stocks over 5 years. If we reduced the 2014 quota by the full overharvest amount (2.5 mt dw) in 1 year, this 14 percent reduction from the base quota could negatively impact fishermen because the reduced quota would be below regional landings from past fishing seasons and could result in closing the SCS fishery in the Atlantic region earlier than it would otherwise close because of the linkage to and reduced quota within the blacknose management group. If the entire SCS fishery in the Atlantic region is closed early, then our ability to collect data on all SCS, including blacknose sharks, and therefore conduct stock assessments, could be impeded for the time period that the fishery is closed. We do not believe that accounting for the overharvests over time (0.5 mt dw per year for 5 years) would affect the status of the Atlantic blacknose stock.

In the Gulf of Mexico region, accounting for all of the overharvest in 1 year would substantially reduce the Gulf of Mexico regional blacknose quota and potentially close the regional non-blacknose SCS quota substantially earlier than it would otherwise close due to the quota linkage. Similar to the situation described above, if the entire SCS fishery in the Gulf of Mexico region is closed early, then our ability to collect data on all SCS, including blacknose sharks, and therefore conduct stock assessments, could be impeded for the time period that the fishery is closed. Because the Gulf of Mexico overharvest is relatively large compared to the Atlantic region, it is likely the closure would last longer and could be most of the year. However, spreading out the overharvest accounting across 5 years would result in 0.2 mt dw being taken from the Gulf of Mexico regional base quotas every year through 2018. We do not believe that accounting for the overharvest over time would impede rebuilding of the Gulf of Mexico blacknose stock since the ecological impacts would be neutral.

For the porbeagle shark management group, we are proposing to reduce the 2014 annual quota to account for overharvests from 2011 and 2012. While the management group was closed in 2013, we still need to account for part of the 2011 and 2012 overharvests. Nevertheless, based on landings to date, we do expect the porbeagle shark management group to open in 2014.

The proposed 2014 quotas by species and management group are summarized in Table 1.

Table 1. 2014 Proposed Quotas and Opening Dates for the Atlantic Shark Management Groups. All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise. Table includes landings data as of July 16, 2013; final quotas are subject to change based on landings as of November 15, 2013.

Management Group	Region	2013 Annual Quota (A)	Preliminary 2013 Landings[1] (B)	Adjustments (C)	2014 Base Annual Quota (D)	2014 Proposed Annual Quota (D+C)	Season Opening Dates
Aggregated Large Coastal Sharks	Gulf of Mexico	157.5 mt dw (347,317 lb dw)	147.6 mt dw (325,476 lb dw)	-	157.5 mt dw (347,317 lb dw)	157.5 mt dw (347,317 lb dw)	On or about January 1, 2014
	Atlantic	168.9 mt dw (372,552 lb dw)	88.1 mt dw (194,327 lb dw)	-	168.9 mt dw (372,552 lb dw)	168.9 mt dw (372,552 lb dw)	
Blacktip Sharks	Gulf of Mexico	256.6 mt dw (565,700 lb dw)	231.3 mt dw (509,984 lb dw)	25.3 mt dw (55,716 lb dw)	256.6 mt dw (565,700 lb dw)	281.9 mt dw (621,416 lb dw)	
Hammerhead Sharks	Gulf of Mexico	25.3 mt dw (55,722 lb dw)	10.1 mt dw (22,156 lb dw)	-	25.3 mt dw (55,722 lb dw)	25.3 mt dw (55,722 lb dw)	
	Atlantic	27.1 mt dw (59,736 lb dw)	8.4 mt dw (18,523 lb dw)	-	27.1 mt dw (59,736 lb dw)	27.1 mt dw (59,736 lb dw)	
Non-Sandbar LCS Research	No regional quotas	50.0 mt dw (110,230 lb dw)	10.7 mt dw (23,582 lb dw)	-	50.0 mt dw (110,230 lb dw)	50.0 mt dw (110,230 lb dw)	
Sandbar Shark Research		116.6 mt dw (257,056 lb dw)	27.2 mt dw (59,884 lb dw)	-	116.6 mt dw (257,056 lb dw)	116.6 mt dw (257,056 lb dw)	
Non-Blacknose Small Coastal Sharks	Gulf of Mexico	67.7 mt dw (149,161 lb dw) [2]	36.8 mt dw (81,062 lb dw)	22.8 mt dw (50,159 lb dw) [3]	45.5 mt dw (100,317 lb dw)	68.3 mt dw (150,476 lb dw)	

	Atlantic	261.5 mt dw (576,484 lb dw) [2]	53.5 mt dw (117,985 lb dw)	88.0 mt dw (194,111 lb dw) [4]	176.1 mt dw (388,222 lb dw)	264.1 mt dw (582,333 lb dw)	
Blacknose Sharks	Gulf of Mexico	2.0 mt dw (4,513 lb dw)	0.6 mt dw (1,411 lb dw)	-0.2 mt dw (-437 lb dw) [5]	2.0 mt dw (4,513 lb dw)	1.8 mt dw (4,076 lb dw)	
	Atlantic	18.0 mt dw (39,749 lb dw)	10.8 mt dw (23,784 lb dw)	-0.5 mt dw (-1,111 lb dw) [5]	18.0 mt dw (39,749 lb dw)	17.5 mt dw (38,638 lb dw)	
Blue Sharks	No regional quotas	273.0 mt dw (601,856 lb dw)	4.5 mt dw (9,885 lb dw)	-	273.0 mt dw (601,856 lb dw)	273.0 mt dw (601,856 lb dw)	
Porbeagle Sharks		0 mt dw (0 lb dw)	0 mt dw (0 lb dw)	-0.4 [6] (adjustments from 2012 overharvests)	1.7 mt dw (3,748 lb dw)	1.3 mt dw (2,874 lb dw)	
Pelagic Sharks Other Than Porbeagle or Blue		488 mt dw (1,075,856 lb dw)	55.5 mt dw (122,342 lb dw)	-	488.0 mt dw (1,075,856 lb dw)	488.0 mt dw (1,075,856 lb dw)	

[1] Landings are from January 1, 2013, until July 16, 2013, and are subject to change.

[2] As described in the final rule for Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318, July 3, 2013), the non-blacknose SCS quota was under-harvested in 2012 by 107.6 mt dw and we carried that underharvest to the 2013 fishing season. Since Amendment 5a to the 2006 Consolidated HMS FMP established regional non-blacknose SCS quotas, we split that underharvest amount based on the regional landings (79.4 percent in the Atlantic and 20.6 percent in the Gulf of Mexico), and adjusted the 2013 Atlantic and Gulf of Mexico regional non-blacknose SCS quotas accordingly to be 45.5 mt for Atlantic non-blacknose SCS and 176.1 mt for Gulf of Mexico non-blacknose SCS.

[3] This adjustment accounts for underharvest in 2013. While the total underharvest is 30.9 mt dw, we may account for underharvest only up to 50 percent of the base annual quota or 22.8 mt dw (50,159 lb dw).

[4] This adjustment accounts for underharvest in 2013. While the total underharvest is 208 mt dw, we may account for underharvest only up to 50 percent of the base annual quota or 88.0 mt dw (194,111 lb dw).

[5] This adjustment accounts for overharvest in 2012. After the final rule establishing the 2012 quotas published, late dealer reports indicated the blacknose shark quota was overharvested by 3.5 mt dw (7,742 lb dw). Since Amendment 5a to the 2006 Consolidated HMS FMP established regional quotas, we propose a 5-year adjustment of the overharvest amount by the percentage of landings in 2012. Thus, we propose to reduce the Gulf of Mexico blacknose sharks by 0.2 mt dw (437 lb dw) and the Atlantic blacknose sharks by 0.5 mt dw (1,111 lb dw) for the next 5 years.

[6] This adjustment accounts for overharvest in 2011 and 2012. In 2013, we did not open the porbeagle shark management group due to overharvest from 2011 and 2012 (2.1 mt dw; 4,622 lb dw). This overharvest amount exceeded the 2013 base annual quota by 0.4 mt dw (874 lb dw), therefore, 0.4 mt dw (874 lb dw) is proposed to be reduced from the 2014 base annual quota.

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1. Proposed 2014 Quotas for the Aggregated Large Coastal Sharks in the Gulf of Mexico Region

The 2014 proposed quota for aggregated large coastal sharks in the Gulf of Mexico region is 157.5 mt dw (347,317 lb dw). As of July 16, 2013, preliminary reported landings for aggregated large coastal sharks in the Gulf of Mexico region were at 94 percent (147.6 mt dw) of their 2013 quota levels. Reported landings have not exceeded the 2013 quota to date. Given the unknown status of some of the shark species within the Gulf of Mexico aggregated large coastal shark management group, underharvests cannot be carried over to 2014 pursuant to § 635.27(b)(2). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b), we are not proposing to adjust 2014 quotas for aggregated large coastal sharks in the Gulf of Mexico region, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

2. Proposed 2014 Quotas for the Aggregated Large Coastal Sharks in the Atlantic Region

The 2014 proposed quota for aggregated large coastal sharks in the Atlantic region is 168.9 mt dw (372,552 lb dw). As of July 16, 2013, preliminary reported landings for aggregated large coastal sharks in the Atlantic region were at 52 percent (88.1 mt dw) of their 2013 quota levels. Reported landings have not exceeded the 2013 quota to date. Given the unknown status of some of the shark species within the Atlantic aggregated large coastal shark management group, any underharvests cannot be accounted for pursuant to § 635.27(b)(2). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b), we are not proposing to adjust 2014 quotas for aggregated large coastal sharks in the Atlantic region, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

3. Proposed 2014 Quotas for the Blacktip Sharks in the Gulf of Mexico Region

The 2014 proposed quota for blacktip sharks in the Gulf of Mexico region is 281.9 mt dw (621,416 lb dw). As of July 16, 2013, preliminary reported landings for blacktip sharks in the Gulf of Mexico region were at 90 percent (231.3 mt dw) of their 2013 quota levels. Reported landings have not exceeded the 2013 quota to date. Gulf of Mexico blacktip sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2), any underharvests for blacktip sharks within the Gulf of Mexico region therefore could be applied to the 2014 quotas as allowable. During the 2013 fishing season to date, the Gulf of Mexico blacktip shark quota has been underharvested by 25.3 mt dw (55,716 lb dw). Accordingly, we propose to increase the 2014 Gulf of Mexico blacktip shark quota to adjust for anticipated underharvests in 2013 as allowed. The proposed 2014 adjusted base annual quota for Gulf of Mexico blacktip sharks is 281.9 mt dw (621,416 lb dw) (256.6 mt dw annual base quota + 25.3 mt dw 2013 underharvest = 281.9 mt dw 2014 adjusted annual quota).

4. Proposed 2014 Quotas for Hammerhead Sharks in the Gulf of Mexico and Atlantic Region

The 2014 proposed commercial quotas for hammerhead sharks in the Gulf of Mexico and Atlantic regions are 25.3 mt dw (55,722 lb dw) and 27.1 mt dw (59,736 lb dw), respectively. As of July 16, 2013, preliminary reported landings for hammerhead sharks were at 40 percent (10.1 mt dw) of their 2013 quota levels in the Gulf of Mexico region, and were at 31 percent (8.4 mt dw) of their 2013 quota levels in the Atlantic region. Reported landings have not exceeded the 2013 quota to date. Given the overfished status of hammerhead sharks, any underharvests cannot be accounted for pursuant to § 635.27(b)(2). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b), we are not proposing to adjust 2014 quotas for hammerhead sharks in the Gulf of Mexico and Atlantic regions, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

5. Proposed 2014 Quotas for Research Large Coastal Sharks and Sandbar Sharks Within the Shark Research Fishery

The 2014 proposed commercial quotas within the shark research fishery are 50.0 mt dw (110,230 lb dw) for research large coastal sharks and 116.6 mt dw (257,056 lb dw) for sandbar sharks. Within the shark research fishery, as of July 16, 2013, preliminary reported landings of research large coastal sharks were at 21 percent (10.7 mt dw) of their 2013 quota levels, and sandbar shark reported landings were at 23 percent (27.2 mt dw) of their 2013 quota levels. Reported landings have not exceeded the 2013 quota to date. Under § 635.27(b)(2), because sandbar sharks and scalloped hammerhead sharks within the research large coastal shark management group have been determined to be either overfished or overfished with overfishing occurring, underharvests for these management groups would not be applied to the 2014 quotas. Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b), we are not proposing to adjust 2014 quotas in the shark research fishery because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

6. Proposed 2013 Quotas for the Non-Blacknose Small Coastal Sharks in the Gulf of Mexico and Atlantic Regions

The 2014 proposed annual commercial quotas for non-blacknose small coastal sharks in the Gulf of Mexico and Atlantic regions are 68.3 mt dw (150,476 lb dw) and 264.1 mt dw (582,333 lb dw), respectively. As of July 16, 2013, preliminary reported landings of non-blacknose small coastal sharks were at 54 percent (36.8 mt dw) of their 2013 quota levels in the Gulf of Mexico region, and were at 20 percent (53.5 mt dw) of their 2013 quota levels in the Atlantic region. Non-blacknose small coastal sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2), any underharvests for the non-blacknose small coastal sharks therefore could be applied to the 2014 quotas. During the 2013 fishing season to date, the non-blacknose small coastal shark quota has been underharvested by 46.6 mt dw (102,666 lb dw) in the Gulf of Mexico region and 221.5 mt dw (488,103 lb dw) in the Atlantic region. Consistent with current regulations at § 635.27(b)(2), we may increase the 2014 base annual quota by an equivalent amount of the underharvest up to 50 percent above the base annual quota. Accordingly, we propose to increase the 2014 non-blacknose small coastal shark quota to adjust for anticipated underharvests in 2013 as allowed. The proposed 2014 adjusted base annual quota for non-blacknose small coastal sharks in the Gulf of Mexico region is 68.3 mt dw (150,476 lb dw) (45.5 mt dw annual base quota + 22.8 mt dw 2013 underharvest = 68.3 mt dw 2014 adjusted annual quota). The proposed 2014 adjusted base annual quota for non-blacknose small coastal sharks in the Atlantic region is 264.1 mt dw (582,333 lb dw) (176.1 mt dw annual base quota + 88.0

mt dw 2013 underharvest = 264.1 mt dw 2014 adjusted annual quota).

7. Proposed 2014 Quotas for Blacknose Sharks in the Gulf of Mexico and Atlantic Region

The 2014 proposed annual commercial quotas for blacknose sharks in the Gulf of Mexico and Atlantic regions are 1.8 mt dw (4,076 lb dw) and 17.5 mt dw (38,638 lb dw), respectively. As of July 16, 2013, preliminary reported landings of blacknose sharks were at 31 percent (0.6 mt dw) of their 2013 quota levels in the Gulf of Mexico region, and were at 60 percent (10.8 mt dw) of their 2013 quota levels in the Atlantic region. The 2013 commercial quotas have not been reached or exceeded. Blacknose sharks have been declared to have an unknown status in the Gulf of Mexico region and declared to be overfished with overfishing occurring in the Atlantic region. Pursuant to § 635.27(b)(2), any overharvests of blacknose sharks would be applied to the regional quotas over a maximum of 5 years. As described above, the 2012 blacknose quota was overharvested so we are proposing to adjust the regional quotas over 5 years to mitigate the impacts of adjusting for the overharvest in 1 year. Therefore, consistent with § 635.27(b), the 2014 proposed adjusted base quota for blacknose sharks in the Gulf of Mexico region is 1.8 mt dw (4,076 lb dw) (2.0 mt dw annual base quota − 0.2 mt dw 2012 adjusted 5-year overharvest = 1.8 mt dw 2014 adjusted annual quota). In the Atlantic region, the 2014 proposed adjusted base quota for blacknose sharks is 17.5 mt dw (38,638 lb dw) (18.0 mt dw annual base quota − 0.5 mt dw 2012 adjusted 5-year overharvest = 17.5 mt dw 2014 adjusted annual quota).

8. Proposed 2014 Quotas for Pelagic Sharks

The 2014 proposed annual commercial quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle or blue sharks) are 273 mt dw (601,856 lb dw), 1.3 mt dw (2,874 lb dw), and 488 mt dw (1,075,856 lb dw), respectively.

As of July 16, 2013, preliminary reported landings of blue sharks and pelagic sharks (other than porbeagle and blue sharks) were at 2 percent (4.5 mt dw) and 11 percent (55.5 mt dw) of their 2013 quota levels, respectively. These pelagic species are overfished, have overfishing occurring, or have an unknown status. Therefore, the 2014 proposed quotas would be the base annual quotas (without adjustment) for blue sharks and pelagic sharks (other than blue and porbeagle sharks), or 273 mt dw (601,856 lb dw) and 488 mt dw (1,075,856 lb dw), respectively.

As of July 16, 2013, preliminary reported landings of porbeagle sharks was 0 percent (0 mt dw) of its 2013 quota levels, respectively. Porbeagle sharks have been declared to be overfished with overfishing occurring. Pursuant to § 635.27(b), any overharvests of porbeagle sharks would be applied to the 2014 quotas. As described above, the overharvests from 2011 and 2012 exceeded the 2013 base annual quota by 0.4 mt dw (874 lb dw). Consistent with § 635.27(b), we are proposing to adjust the 2014 quota to account for the remaining amount of overharvest. Thus, the proposed 2014 adjusted annual commercial porbeagle quota is 1.3 mt dw (2,874 lb dw) (1.7 mt dw annual base quota − 0.4 mt dw 2011/2012 overharvest = 1.7 mt dw 2014 adjusted annual quota).

Proposed Fishing Season Notification for the 2013 Atlantic Commercial Shark Fishing Season

For each fishery, we considered the seven ''Opening Fishing Season Criteria'' listed at § 635.27(b)(3). These include:

(i) The available annual quotas for the current fishing season for the different species/management groups based on any over- and/or underharvests experienced during the previous commercial shark fishing seasons; (ii) Estimated season length based on available quota(s) and average weekly catch rates of different species and/or management group from the previous years; (iii) Length of the season for the different species and/or management group in the previous years and whether fishermen were able to participate in the fishery in those years; (iv) Variations in seasonal distribution, abundance, or migratory patterns of the different species/management groups based on scientific and fishery information; (v) Effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the different species and/or management quotas; (vi) Effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; and/or, (vii) Effects of a delayed opening with regard to fishing opportunities in other fisheries.

Specifically, we examined the 2013 and previous fishing years' over- and/or underharvests of the different management groups to determine the effects of the 2014 proposed quotas on fishermen across regional fishing area. We also examined the potential season length and previous catch rates to ensure that equitable fishing opportunities would be provided to fishermen. Lastly, we examined the seasonal variation of the different species/management groups and the effects on fishing opportunities.

We propose that the 2014 Atlantic commercial shark fishing season for all shark management groups in the northwestern Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, open on or about January 1, 2014, with the publication of the final rule for this action.

In the Gulf of Mexico region, opening the fishing season again on or about January 1 for aggregated large coastal sharks, blacktip sharks, and hammerhead sharks would provide, to the extent practicable, equitable opportunities across the fisheries management region as it did for the 2013 fishing season. This opening date is consistent with all the criteria listed in § 635.27(b)(3), but particularly with the criterion that we consider the length of the season for the different species and/or management group in the previous years and whether fishermen were able to participate in the fishery in those years.

In the Atlantic region, we propose opening the aggregated LCS and hammerhead shark management groups on or about January 1, 2014. In 2013, we opened the fishery at the beginning of the year to allow for more equitably distributed shark fishing opportunities, as intended by Amendment 2 to the 2006 Consolidated HMS FMP. Since the HMS Electronic Dealer Reporting System was implemented on January 1, 2013, we have been able to manage the quotas on a weekly basis to ensure equitable fishing opportunities. In addition, we may use the inseason trip limit adjustment criteria to allow more equitable fishing opportunities across the fishery. These equitable fishing opportunities across the fishery are different between the Gulf of Mexico and Atlantic regions. Because of the migratory patterns of the sharks, all Gulf of Mexico shark fishermen have access to the resource on January 1, whereas Atlantic shark fishermen do not, so weekly tracking can support inseason adjustments. The proposed opening date of January 1 would allow fishermen to harvest some of the 2014 quota at the beginning of the year, when sharks are more prevalent in the South Atlantic area. If it appears that the quota will be taken too quickly to allow fishermen throughout the entire region an opportunity to fish, we could reduce the commercial retention limits to ensure that catch rates in one part of a region not preclude vessels in another part of that region from having a reasonable opportunity to harvest a portion of the relevant quota (§ 635.24(a)(8)(vi)).

If landings rates indicate that quota may be taken too quickly to allow fishermen throughout the region an opportunity to fish, we would file for publication with the Office of the Federal Register notification of any inseason adjustments to reduce retention limits to between 0–36 sharks per trip. We could later increase the commercial retention limits per trip, such as on or about July 15, 2014, to provide fishermen in the North Atlantic area an opportunity to retain aggregated large coastal sharks and hammerhead sharks when they are prevalent in that area, if warranted considering all relevant factors.

All of the shark management groups would remain open until December 31, 2014, or until we determine that the fishing season landings for any shark management group has reached, or is projected to reach, 80 percent of the available quota. In the final rule for Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318, July 3, 2013), we established non-linked and linked quotas and explained that the linked quotas are explicitly designed to concurrently close multiple shark management groups that are caught together to prevent incidental catch mortality from exceeding the total allowable catch. At that time, consistent with § 635.28(b)(1) for non-linked quotas (e.g., Gulf of Mexico blacktip or pelagic sharks), we will file for publication with the Office of the Federal Register a notice of closure for that shark species, shark management group, and/or region that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until we announce, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for the shark species or management group are closed, even across fishing years.

For linked quotas consistent with § 635.28(b)(2), we will file for publication with the Office of the Federal Register a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until we announce, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fishery for all linked species and/or management groups is closed, even across fishing years. The linked quotas of the species and/or management groups are Atlantic hammerhead sharks and Atlantic aggregated LCS; Gulf of Mexico hammerhead sharks and Gulf of Mexico aggregated LCS; Atlantic blacknose and Atlantic non-blacknose SCS; and Gulf of Mexico blacknose and Gulf of Mexico non-blacknose SCS. We may close the Gulf of Mexico blacktip shark management group before landings reach, or are expected to reach, 80 percent of the quota. Before taking any inseason action, we would consider the criteria listed at § 635.28(b)(4).

In 2012 and 2013, NMFS determined that the proposed rule to implement Amendment 5 to the 2006 Consolidated HMS FMP (77 FR 70552; November 26, 2012) and final rule to implement Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318; July 3, 2013) are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of coastal states on the Atlantic including the Gulf of Mexico and the Caribbean Sea. Pursuant to 15 CFR 930.41(a), NMFS provided the Coastal Zone Management Program of each coastal state a 60-day period to review the consistency determination and to advise the Agency of their concurrence. NMFS received concurrence with the consistency determinations from several states and inferred consistency from those states that did not respond within the 60-day time period. This proposed action to establish opening dates and adjust quotas for the 2014 fishing season for the Atlantic commercial shark fisheries does not change the framework previously consulted upon; therefore, no additional consultation is required.

Request for Comments

Comments on this proposed rule may be submitted via *http://www.regulations.gov,* mail, or fax. We solicit comments on this proposed rule by September 23, 2013 (see **DATES** and **ADDRESSES**). In addition to comments on the entire rule, we are specifically requesting comments on the proposed 5-year adjustment for the blacknose shark quota to account for the overharvest of blacknose sharks in 2012. We are proposing to spread the overharvested amount over a 5-year period (2014 to 2018). This scenario would allow the blacknose shark and non-blacknose SCS fisheries, which are linked fisheries, to operate over those 5 years with minimal impacts. Since the overharvested quota would be spread over 5 years, the Gulf of Mexico blacknose shark quota would be reduced by 0.2 mt dw (437 lb dw) per year and the adjusted quota would be 1.8 mt dw (4,076). If additional overharvest occurs, the adjusted blacknose shark quota could be further reduced to account for this potential overharvest. In the Atlantic region, the blacknose shark quota would be reduced by 0.5 mt dw (1,111 lb dw) per year and the adjusted quota would be 17.5 mt dw (38,638 lb dw). Similar to the adjusted Gulf of Mexico blacknose shark quota, this adjusted quota might be adjusted further in future years to address any additional overharvests. Another possible scenario for the overharvested amount would be to take the full 2012 overharvested amount from the 2014 regional blacknose shark quotas. If we took the full overharvest amount from the 2014 quotas, the Gulf of Mexico blacknose shark quota would be reduced by 1.0 mt dw (2,185 lb dw) and the adjusted quota would be 1.0 mt dw (2,328 lb dw). In the Atlantic region, the blacknose shark quota would be reduced by 2.5 mt dw (5,557 lb dw) and the adjusted quota would be 15.5 mt dw (34,192 lb dw). In 2014, this second scenario could result in an early fishery closure in the Gulf of Mexico region if the reduced blacknose shark quota reached or was projected to reach 80 percent sooner than it has in the past, which could result in adverse impacts for blacknose and non-blacknose fishermen and dealers. While the potential for closure in the Atlantic region would be less, reducing the quota by 2.5 mt dw could close the fishery sooner than usual resulting in similar adverse impacts for Atlantic blacknose and non-blacknose fishermen and dealers. This second scenario would not have any impacts beyond 2014.

Public Hearings

Public hearings on this proposed rule are not currently scheduled. If you would like to request a public hearing, please contact Guý DuBeck or Karyl Brewster-Geisz by phone at 301–427–8503.

Classification

The NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the MSA, and other applicable law, subject to further consideration after public comment.

These proposed specifications are exempt from review under Executive Order 12866.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the

SUMMARY section of the preamble. The IRFA analysis follows.

In compliance with section 603(b)(1) of the RFA, we are required to explain the purpose of the rule. This rule, consistent with the Magnuson-Stevens Act and the 2006 Consolidated HMS FMP and its amendments, is being proposed to establish the 2014 commercial shark fishing quotas and fishing seasons. Without this rule, the commercial shark fisheries would close on December 31, 2013, and would not open until another action was taken. This action would be implemented according to the regulations implementing the 2006 Consolidated HMS FMP and its amendments. Thus, we expect few, if any, economic impacts to fishermen other than those already analyzed in the 2006 Consolidated HMS FMP and its amendments, based on the quota adjustments.

Under section 603(b)(2) of the RFA, we must explain the rule's objectives, which are to: Adjust the baseline quotas for all Atlantic shark management groups based on any over- and/or underharvests from the previous fishing years and to establish the opening dates of the various management groups in order to provide, to the extent practicable, equitable opportunities across the fishing management region while also considering the ecological needs of the species.

Section 603(b)(3) of the RFA requires Federal agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. Previously, a business involved in fish harvesting was classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $4.0 million (NAICS code 114111, finfish fishing) for all its affiliated operations worldwide. In addition, SBA has defined a small charter/party boat entity (NAICS code 713990, recreational industries) as one with average annual receipts of less than $7.0 million. On June 20, 2013, SBA issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 Fed.Reg. 37398; June 20, 2013). The rule increased the size standard for Finfish Fishing from $4.0 to 19.0 million, Shellfish Fishing from $4.0 to 5.0 million, and Other Marine Fishing from $4.0 to 7.0 million. NMFS has reviewed the analyses prepared for this action in light of the new size standards. Under the former, lower size standards, all entities subject to this action were considered small entities, thus they all would continue to be considered small under the new standards. NMFS does not believe that the new size standards affect analyses prepared for this action and solicits public comment on the analyses in light of the new size standards.

We consider all HMS permit holders to be small entities because they either had average annual receipts of less than $4.0 million for fish-harvesting, average annual receipts of less than $7.0 million for Charter/headboat, 100 or fewer employees for wholesale dealers, or 500 or fewer employees for seafood processors. The commercial shark fisheries are comprised of fishermen who hold shark directed or incidental limited access permits and the related industries, including processors, bait houses, and equipment suppliers, all of which we consider to be small entities according to the size standards set by the SBA. The proposed rule would apply to the approximately 216 directed commercial shark permit holders (130 in the Atlantic and 86 in the Gulf of Mexico regions), 261 incidental commercial shark permit holders (156 in the Atlantic and 105 in the Gulf of Mexico regions), and 97 commercial shark dealers (66 in the Atlantic and 31 in the Gulf of Mexico regions) as of July 2013.

This proposed rule does not contain any new reporting, recordkeeping, or other compliance requirements (5 U.S.C. 603(b)(4)). Similarly, this proposed rule would not conflict, duplicate, or overlap with other relevant Federal rules (5 U.S.C. 603(b)(5)). Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements as domestically implemented, domestic laws, and FMPs. These include, but are not limited to, the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act (ESA), the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act.

In compliance with section 603(c) of the RFA, each IRFA must also contain a description of any significant alternatives to the proposed rule which would accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities. Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of significant alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and, (4) exemptions from coverage of the rule for small entities. In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act and the ESA, we cannot exempt small entities or change the reporting requirements only for small entities because all the entities affected are considered small entities; therefore, there are no alternatives discussed that fall under the first and fourth categories described above. We do not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act; therefore, there are no alternatives considered under the third category.

This rulemaking does not establish management measures to be implemented, but rather implements previously adopted and analyzed measures with adjustments, as specified in the 2006 Consolidated HMS FMP and its amendments and the Environmental Assessment (EA) that accompanied the 2011 shark quota specifications rule (75 FR 76302; December 8, 2010). Thus, NMFS proposes to adjust quotas established and analyzed in the 2006 Consolidated HMS FMP and its amendments by subtracting the underharvest or adding the overharvest as allowable. Similarly, the proposed quotas and opening date are consistent with the requirements of the Magnuson-Stevens Act that were previously analyzed in the EA with the 2011 shark quota specifications rule. Thus, NMFS has limited flexibility to modify the quotas in this rule, the impacts of which were analyzed in previous regulatory flexibility analyses.

Based on the 2013 ex-vessel price, fully harvesting the unadjusted 2014 Atlantic shark commercial baseline quotas could result in total fleet revenues of $5,347,674 (see Table 2). Of the 216 vessels with directed shark permits, only 136 vessels landed sharks in 2012 and are considered active. Based on these 136 active permitted vessels, the total fleet revenues would result in an average of $39,321 per active vessel.

For several species, we are proposing to adjust their baseline quotas upward due to the underharvests in 2013. For

example, the upward adjustment for the Gulf of Mexico blacktip shark management group could result in a $59,894 gain in total revenues for the fleet. We expect that those revenues would be equally split between the 50 active shark permit holders who landed blacktip sharks in the Gulf of Mexico. This could result in an additional $1,198 per vessel. The Gulf of Mexico and Atlantic non-blacknose small coastal shark management groups were also adjusted upward due to underharvests. For the fleet, these adjustments could result in a $63,953 and $216,240 gain in revenues, respectively. On an individual vessel basis, the 11 active vessels that landed these species in the Gulf of Mexico region could earn approximately $5,814 on average and the 36 active vessels that landed these species in the Atlantic region could earn approximately $6,007 on average.

We are proposing to reduce the baseline for other species due to overharvests. For instance, we propose to reduce the blacknose shark management group for the next 5 years to account for overharvest in 2012. This would cause a potential loss in revenue of $577 for the fleet in the Gulf of Mexico region, or $64 on average for the 9 active vessels, and $1,238 for the fleet in the Atlantic region, or $69 on average for the 18 active vessels. If we took the full overharvest amount from the 2014 quotas, the Gulf of Mexico blacknose shark adjusted quota would be 1.0 mt dw (2,328) and would cause a potential loss in revenue of $2,786 for the fleet, or $310 on average for the 9 active vessels. In the Atlantic, the blacknose shark adjusted quota would be 15.5 mt dw (34,192 lb dw) and would cause a potential loss in revenue of $6,191 for the fleet, or $344 on average for the 18 active vessels. In addition, the porbeagle shark management group was overharvested in 2011 and 2012. Under the proposed quotas, the potential revenue loss from the porbeagle baseline quota would be $1,411 for the fleet, which could cause a loss of $157 in average for the 9 active vessels that landed porbeagle sharks in 2012.

All of these changes in gross revenues are similar to the changes in gross revenues analyzed in the 2006 Consolidated HMS FMP and its amendments. The FRFAs for those amendments concluded that the economic impacts on these small entities—resulting from rules such as this one that adjust the trip limits inseason through proposed and final rulemaking—are expected to be minimal. In the 2006 Consolidated HMS FMP and its amendments and the EA for the 2011 shark quota specifications rule, we assumed that we would be conducting annual rulemakings and considering the potential the economic impacts of adjusting the quotas for under- and overharvests at that time.

TABLE 2—AVERAGE EX-VESSEL PRICES PER LB DW FOR EACH SHARK MANAGEMENT GROUP, 2013 *

Year	Species	Region	Price
2013	Aggregated LCS	Gulf of Mexico	$0.48
		Atlantic	0.67
	Blacktip Shark	Gulf of Mexico	0.48
	Hammerhead Shark	Gulf of Mexico	0.32
		Atlantic	0.60
	LCS Research	Both	0.57
	Sandbar Research	Both	0.57
	Non-Blacknose SCS	Gulf of Mexico	0.68
		Atlantic	0.77
	Blacknose Shark	Gulf of Mexico	0.68
		Atlantic	0.77
	Blue shark	Both	0.27
	Porbeagle shark	Both	** 1.15
	Other Pelagic sharks	Both	1.80
	Shark Fins	Gulf of Mexico	11.90
		Atlantic	6.88
		Both	9.39

* The ex-vessel prices are based on 2013 dealer reports through July 16, 2013.
** Since the porbeagle shark management group was closed for 2013, there was no 2013 price data. Thus, we used price data from 2012.

For this rule, we also reviewed the criteria at § 635.27(b)(3) to determine when opening each fishery would provide equitable opportunities for fishermen while also considering the ecological needs of the different species. The opening of the fishing season could vary depending upon the available annual quota, catch rates, and number of fishing participants during the year. For the 2014 fishing season, we are proposing to open the aggregated large coastal sharks, blacktip sharks, hammerhead sharks, sandbar sharks, non-blacknose small coastal sharks, blacknose sharks, blue sharks, porbeagle sharks, or pelagic sharks (other than porbeagle or blue sharks) management groups on the effective date of the final rule for this action (expected to be on or about January 1). The direct and indirect economic impacts would be neutral on a short- and long-term basis, because we are proposing not to change the opening dates of these fisheries from the status quo.

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Dated: August 16, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2013–20519 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 78, No. 164

Friday, August 23, 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.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

Sunshine Act Meetings

TIME AND DATE: Electronic meeting of the Executive Committee of the Board of Trustees to be held via telephone Wednesday, September 4, 2013, 3:30 p.m. to 4:30 p.m. (PDT).

PLACE: Executive Committee Meeting held via telephone.

STATUS: This meeting of the Executive Committee of the Board of Trustees, to be held Electronically (in accordance with the Operating Procedures of the Udall Foundation's Board of Trustees), is closed to the public since it is necessary for the Committee to consider items in Executive Session.

MATTERS TO BE CONSIDERED: Discuss and select an organization structure for the Foundation staff and provide the Acting Executive Director with authority to implement the plan, and discuss the process for filling key management positions.

CONTACT PERSON FOR MORE INFORMATION: Philip J. Lemanski, Acting Executive Director, 130 South Scott Avenue, Tucson, AZ 85701, (520) 901–8500.

Dated: August 19, 2013.

Philip J. Lemanski,

Acting Executive Director, Morris K. Udall and Stewart L. Udall Foundation, and Federal Register Liaison Officer.

[FR Doc. 2013–20606 Filed 8–21–13; 11:15 am]

BILLING CODE 6820–FN–M

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 19, 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: Child and Adult Care Food Program.

OMB Control Number: 0584–0055.

Summary of Collection: Section 17 of the National School Lunch Act, as amended (42 U.S.C. 1766), authorizes the Child and Adult Care Program (CACFP). Under this program, the Secretary of Agriculture is authorized to provide cash reimbursement and commodity assistance, on a per meal basis, for food service to children in nonresidential child care centers and family or group day care homes, and to eligible adults in nonresidential adult day care centers. The Food and Nutrition Service (FNS) has established application, monitoring, recordkeeping, and reporting requirements to manage the Program effectively, and ensure that the legislative intent of this mandate is responsibly implemented.

Need and Use of the Information: The information collected is necessary to enable institutions wishing to participate in the CACFP to submit applications to the administering agencies, execute agreements with those agencies, and claim the reimbursement to which they are entitled by law. FNS and State agencies administering the program will use the collected information to determine eligibility of institutions to participate in the CACFP, ensure acceptance of responsibility in managing an effective food service, implement systems for appropriating program funds, and ensure compliance with all statutory and regulatory requirements.

Description of Respondents: Business or other for-profit; State, Local, or Tribal Government; Individuals or households; Not-for-profit institutions.

Number of Respondents: 2,365,104.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly; Semi-annually; Monthly and Annually.

Total Burden Hours: 2,234,840.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–20542 Filed 8–22–13; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Meeting Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board

AGENCY: Research, Education, and Economics, Office of the Secretary, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App 2, the United States Department of Agriculture (USDA) announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory Board.

DATES: The National Agricultural Research, Extension, Education, and

Economics Advisory Board will meet September 12–13, 2013. The public may file written comments before or up to two weeks after the meeting with the contact person.

ADDRESSES: The meeting will take place at The Beacon Hotel, 1615 Rhode Island Avenue NW., Washington, DC 20036. Written comments from the public may be sent to the Contact Person identified in this notice at: The National Agricultural Research, Extension, Education, and Economics Advisory Board Office, Room 3901 South Building, United States Department of Agriculture, STOP 0321, 1400 Independence Avenue SW., Washington, DC 20250–0321.

FOR FURTHER INFORMATION CONTACT: Shirley Morgan-Jordan, Program Support Coordinator, National Agricultural Research, Extension, Education, and Economics Advisory Board; telephone: (202) 720–3684; fax: (202)720–6199; or email: *Shirley.Morgan@ars.usda.gov.*

SUPPLEMENTARY INFORMATION: The Honorable Secretary of Agriculture Tom Vilsack, and the Under Secretary of Research, Education, and Economics Dr. Catherine Woteki have been invited to provide brief remarks and welcome the new Board members during the meeting.

On Thursday, September 12, 2013 the full Advisory Board will convene at 8:00 a.m. and end by 5:00 p.m. followed by an evening session beginning at 6:00 p.m. Specific items on the agenda will include a discussion related to the report of the President's Council of Advisors on Science and Technology and updates from each of the agencies of the Research, Education and Economics Mission Area. The evening session will end by 8:00 p.m.

On Friday, September 13, 2013, the Board will reconvene at 8:00 a.m. to discuss initial recommendations resulting from the meeting and future planning for the Board; to organize the membership of the committees, and working groups of the Advisory Board; and to finalize Board business for the meeting. The Board Meeting will adjourn by 12:00 p.m. (noon).

This meeting is open to the public and any interested individuals wishing to attend. Opportunity for public comment will be offered each day of the meeting. Written comments by attendees or other interested stakeholders will be welcomed for the public record before and up to two weeks following the Board meeting (by close of business Monday, September 30, 2013). All statements will become a part of the official record of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file for public review in the Research, Education, and Economics Advisory Board Office.

Done at Washington, DC this August 13, 2013.

Catherine Woteki,

Under Secretary, Research, Education, and Economics.

[FR Doc. 2013–20618 Filed 8–22–13; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of a Request for Extension of a Currently Approved Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act, this notice announces the Department's intention to request an extension for a currently approved information collection in support of the Export Sales Reporting program.

DATES: Comments should be submitted no later than October 22, 2013 to be assured of consideration.

ADDRESSES: We invite you to submit comments as requested in this document. In your comment, include the Regulation Identifier Number (RIN) and volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail, Hand Delivery, or Courier:* Peter W. Burr, Branch Chief, Export Sales Reporting Branch, Import Policies and Export Reporting Division, Office of Trade Programs, Foreign Agricultural Service, 1400 Independence Avenue SW., Washington, DC 20250–1021, STOP 1021; or by email at *Pete.Burr@fas.usda.gov;* or by telephone at (202) 720–3274; or fax to (202) 720–0876.

Comments will be available for inspection online at *http://www.regulations.gov* and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TDD).

Confidentiality: All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or that is inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Peter W. Burr, Branch Chief, Export Sales Reporting, STOP 1025, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250–1025; or by telephone (202) 720–9209; or by email: *esr@fas.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Export Sales (Reporting Program) of U.S. Agricultural Commodities.

OMB Number: 0551–0007.

Expiration Date of Approval: January 31, 2014.

Type of Request: Extension of a currently approved information collection.

Abstract: Section 602 of the Agricultural Trade Act of 1978, as amended, (7 U.S.C. 5712) requires the reporting of information pertaining to contracts for export sale of certain specified agricultural commodities and other commodities that may be designated by the Secretary. In accordance with Sec. 602, individual weekly reports submitted shall remain confidential and shall be compiled and published in compilation form each week following the week of reporting. Any person who knowingly fails to report shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both. Regulations at 7 CFR part 20 implement the reporting requirements, and prescribe a system for reporting information pertaining to contracts for export sales.

USDA's Export Sales Reporting System was created after the large unexpected purchase of U.S. wheat and corn by the Soviet Union in 1972. To make sure that all parties involved in the production and export of U.S. grain have access to up-to-date export information, the U.S. Congress mandated an export sales reporting requirement in 1973. Prior to the establishment of the Export Sales Reporting System, it was difficult for the public to obtain information on export sales activity until the actual shipments had taken place. This frequently resulted in considerable delay in the availability of information.

Under the Export Sales Reporting System, U.S. exporters are required to report all large sales of certain

designated commodities by 3:00 p.m. (Eastern Time) on the next business day after the sale is made. The designated commodities for these daily reports are wheat (by class), barley, corn, grain sorghum, oats, soybeans, soybean cake and meal, and soybean oil. Large sales for all reportable commodities except soybean oil are defined as 100,000 metric tons or more of one commodity in 1 day to a single destination or 200,000 tons or more of one commodity during the weekly reporting period. Large sales for soybean oil are 20,000 tons and 40,000 tons, respectively.

Weekly reports are also required, regardless of the size of the sales transaction, for all of these commodities, as well as wheat products, rye, flaxseed, linseed oil, sunflowerseed oil, cotton (by staple length), cottonseed, cottonseed cake and meal, cottonseed oil, rice (by class), cattle hides and skins (cattle, calf, and kip), beef and pork. The reporting week for the export sales reporting system is Friday–Thursday. The Secretary of Agriculture has the authority to add other commodities to this list.

U.S. exporters provide information on the quantity of their sales transactions, the type and class of commodity, the marketing year of shipment, and the destination. They also report any changes in previously reported information, such as cancellations and changes in destinations.

The estimated total annual burden of 47,907 hours in the OMB inventory for the currently approved information collection increased because of the addition of pork to the program.

Estimate of Burden: The average burden, including the time for reviewing instructions, gathering data needed, completing forms, and record keeping is estimated to be 30 minutes.

Respondents: All exporters of wheat and wheat flour, feed grains, oilseeds, cotton, rice, cattle hides and skins, beef, pork, and any products thereof, and other commodities that the Secretary may designate as produced in the United States.

Estimated number of respondents: 380.

Estimated Annual Number of Responses per Respondent: 252.

Requests for Comments: Send comments regarding (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden 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 those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Government Paperwork Elimination Act: FAS is committed to compliance with the Government Paperwork Elimination Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Signed at Washington, DC, on August 8, 2013.

Philip Karsting,

Administrator, Foreign Agricultural Service.

[FR Doc. 2013–20555 Filed 8–22–13; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

White Pine-Nye Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The White Pine-Nye Resource Advisory Committee (RAC) will meet in Eureka, Nevada. The Committee is authorized under the Secure Rural Schools and Community Self-Determination Act of 2000 (the Act) (Pub. L. 112–141) and operates in compliance with the Federal Advisory Committee Act (FACA) (Pub. L. 92–463). The purpose of the RAC is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Title II of the Act. The meeting is open to the public. The purpose of the meeting is:

(1) Review and approve previous meeting minutes and business expenses;

(2) Review and recommend funding allocations for proposed projects; and

(3) Public Comments.

DATES: The meeting will be held September 23, 2013 and will begin at 9:00 a.m., Pacific Standard Time.

All RAC meetings are subject to change or cancellation. For status of the White Pine-Nye RAC meetings prior to attending each meeting, contact the RAC Coordinator listed under For Further Information Contact.

ADDRESSES: The meeting will be held at the Eureka County Annex, 701 S. Main Street, Eureka, Nevada. Written comments may be submitted as described under Supplementary Information. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Tonopah Ranger District Office. Visitors are encouraged to call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Linda Bernardi, RAC Coordinator, at 775–482–6286 or by email *lebernardi@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Additional information, including the agenda, for the White Pine-Nye RAC is at Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf.* The meeting summary will be posted at the Web site within 21 days of the meeting. Anyone who would like to bring related matters to the attention of the RAC may file written statements with the RAC before or after the meeting. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 16, 2013 to be scheduled on the agenda. Written comments and requests for time for oral comments should be sent to Linda Bernardi, RAC Coordinator, Tonopah Ranger District, P.O. Box 3940, Tonopah, Nevada 89049; comments may also be sent via email to *lebernardi@fs.fed.us,* or via facsimile to 775–482–3053.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: August 16, 2013.

William A. Dunkelberger,

Forest Supervisor.

[FR Doc. 2013–20588 Filed 8–22–13; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Site; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108–447)

AGENCY: Monongahela National Forest, Forest Service, USDA.

ACTION: Notice of new fee site.

SUMMARY: The Monongahela National Forest is proposing to charge $5.00 for the use of a recently installed RV wastewater dump station at Cranberry Campground on the Gauley Ranger District. The Forest recently finished a major renovation at Cranberry Campground which included all new accessible picnic tables and fire rings at each campsite, removing the toilet facilities and replacing them with accessible precast toilet buildings, a new fee station, drainage improvements, gate installation, planting vegetation to improve screening between campsites, road resurfacing, and expansion of the day-use parking area. One new facility was added during the renovation, a RV wastewater dump station. This is now the only wastewater dump station facility within an hour drive of the campground. This dump station will serve campers in Cranberry Campground, as well as numerous campers from other Forest campsites nearby. Fees for use of the wastewater dump station will be used to offset the costs of pumping the vault at the RV wastewater dump station and hauling the contents off the site.

DATES: Send any comments about this fee proposal by October 1, 2013 so comments can be compiled, analyzed and shared with the Eastern Region Recreation Resource Advisory Committee.

ADDRESSES: Forest Supervisor, Monongahela National Forest, 200 Sycamore Street, Elkins, WV 26241.

FOR FURTHER INFORMATION CONTACT: Eric Sandeno, Recreation Program Manager, 304–636–1800.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established.

This new fee will be reviewed by the Eastern Region Recreation Resource Advisory Committee prior to a final decision and implementation by the Regional Forester, Eastern Region, USDA Forest Service.

The Monongahela National Forest installed the wastewater dump station in response to a long standing request from the public for this service. A market comparison indicates that the $5.00 per use of the wastewater dump station is both reasonable and acceptable for this sort of service.

Dated: July 31, 2013.

Clyde N. Thompson,

Monongahela National Forest Supervisor.

[FR Doc. 2013–20551 Filed 8–22–13; 8:45 am]

BILLING CODE 3410–11–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meetings

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meetings.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) plans to hold its regular committee and Board meetings in Washington, DC, Monday through Wednesday, September 9–11, 2013 at the times and location listed below.

DATES: The schedule of events is as follows:

Monday, September 9, 2013

10:30 a.m.–4:00 p.m. Ad Hoc Committee Meetings: Closed to public.

Tuesday, September 10, 2013

9:30–11:00 a.m. Ad Hoc Committee on Frontier Issues.
11:00–Noon Planning and Evaluation Committee.
1:30–2:30 p.m. Technical Programs Committee.
2:30–4:00 Ad Hoc Committee: Closed to Public.

Wednesday, September 11, 2013

9:30–10:30 a.m. Board Member Presentation on Health Care Work.
10:30–11:30 Overview of the new Access Board Web site.
1:30–3:30 p.m. Board Meeting.

ADDRESSES: Meetings will be held at the Access Board Conference Room, 1331 F Street NW., suite 800, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact David Capozzi, Executive Director, (202) 272–0010 (voice); (202) 272–0054 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting scheduled on the afternoon of Wednesday, September 11, 2013 the Access Board will consider the following agenda items:

- Approval of the draft July 10, 2013 meeting minutes (vote)
- Ad Hoc Committee Reports: Self-Service Transaction Machines; Information and Communications Technologies; Classroom Acoustics; Emergency Transportable Housing; Passenger Vessels; Medical Diagnostic Equipment; Accessible Design in Education; Public Rights-of-Way and Shared Use Paths; Frontier Issues; and Transportation Vehicles
- Planning and Evaluation Committee
- Technical Programs Committee
- Budget Committee
- Election Assistance Commission Report
- ADA and ABA Guidelines; Federal Agency Update
- Executive Director's Report
- Public Comment, Open Topics

All meetings are accessible to persons with disabilities. An assistive listening system, Communication Access Realtime Translation (CART), and sign language interpreters will be available at the Board meeting and committee meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see *www.access-board.gov/the-board/policies/fragrance-free-environment* for more information).

David M. Capozzi,

Executive Director.

[FR Doc. 2013–20550 Filed 8–22–13; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Northeast Region Dealer Purchase Reports.

OMB Control Number: 0648–0229.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 844.

Average Hours per Response: 4 minutes.

Burden Hours: 2,926.

Needs and Uses: This request is for extension of this information collection.

Federally-permitted dealers, and any individual acting in the capacity of a

dealer, must submit to NOAA's National Marine Fisheries Service (NMFS) Regional Administrator or to the official designee, a detailed report of all fish purchased or received for a commercial purpose, other than solely for transport on land by one of the available electronic reporting mechanisms approved by NMFS. The information obtained is used by economists, biologists, and managers in the management of the fisheries. The data collection parameters are consistent with the current requirements for Federal dealers under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

Affected Public: Business or other for-profit organizations.

Frequency: Weekly.

Respondent's Obligation: Mandatory.

OMB Desk Officer: OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: August 19, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–20578 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–924]

Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On August 6, 2013, the United States Court of International Trade (''CIT'') sustained the Department of Commerce's (the ''Department'') results of redetermination, pursuant to the CIT's remand order, in *Tianjin Wanhua Co., Ltd.* v. *United States,* Slip Op. 13–100 (CIT 2013).[1]

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''CAFC'') in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (''*Diamond Sawblades*''), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *PET Film Final Results*[2] and is amending the final results with respect to Tianjin Wanhua Co., Ltd. (''Wanhua'').

DATES: Effective August 16, 2013.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

On April 29, 2013, the CIT granted the Department's motion for voluntary remand in *Tianjin Wanhua Co., Ltd.* v. *United States* to reconsider the separate rate methodology as applied to Wanhua with respect to the *PET Film Final Results* and the results of the CIT's judgment in *Fuwei Films (Shandong) Co., Ltd.* v. *United States* in which the weighted-average dumping margins for the mandatory respondents were revised.[3] Pursuant to the CIT's remand order, the Department re-examined record evidence and made changes to the separate rate applicable to Wanhua. Specifically, the Department followed its practice in calculating a separate rate where the individually investigated respondents received rates that were zero, *de minimis,* or based entirely on facts available,[4] and applied the most recently determined weighted-average dumping margin that was not zero, *de minimis,* or based entirely on facts available. In this case, the Department pulled forward Wanhua's separate rate from the investigation.[5]

Timken Notice

In its decision in *Timken,* as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's August 6, 2013, judgment sustaining the *PET Film Final Remand* constitutes a final decision of that court that is not in harmony with the *PET Film Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the company-specific rate established for the subsequent and most recently completed segment of this proceeding in which the respondent was included.

Amended Final Determination

Because there is now a final court decision with respect to the *PET Film Final Results,* the revised weighted-average dumping margin is as follows:

Exporter	Weighted-average dumping margin (percent)
Tianjin Wanhua Co., Ltd.	3.49

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: August 16, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–20636 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See* Final Results of Redetermination Pursuant to Court Remand, Court No. 11–00070, dated July 22, 2013, available at: *http://ia.ita.doc.gov/remands* (''*PET Film Final Remand*'').

[2] *See Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Final Results of the First Antidumping Duty Administrative Review,* 76 FR 9753 (February 22, 2011) (''*PET Film Final Results*'').

[3] *See Fuwei Films (Shandong) Co., Ltd. v. United States,* 895 F. Supp. 2d 1332 (Ct. Int'l Trade 2013); *Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision,* 78 FR 9363 (February 8, 2013).

[4] *See* Section 735(c)(5)(A) of the Tariff Act of 1930, as amended (the ''Act'').

[5] *See Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 73 FR 55039, 55041 (September 24, 2008).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the People's Republic of China: Preliminary Rescission of Antidumping Duty New Shipper Review; 2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: We are conducting a new shipper review of the antidumping duty order on glycine from the People's Republic of China (PRC). The new shipper review covers Hebei Donghua Jiheng Fine Chemical Company, Ltd. (Donghua Fine Chemical) for the period of review March 1, 2012, through August 31, 2012. We have preliminarily determined that Donghua Fine Chemical does not qualify as a new shipper. Therefore, we are preliminarily rescinding this new shipper review.

DATES: Effective August 23, 2013.

FOR FURTHER INFORMATION CONTACT: Brian Davis or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7924 and (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The product covered by the antidumping duty order is glycine, which is a free-flowing crystalline material, like salt or sugar. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2922.49.4020. The HTSUS subheading is provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.[1]

Methodology

We have conducted this new shipper review in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214. For a full description of the methodology underlying our conclusions, please *see* Preliminary Decision Memorandum and Proprietary Preliminary Decision Memorandum,[2] both dated concurrently with these results and hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Rescission

Based on information that Donghua Fine Chemical and Hebei Donghua Jiheng Chemical Company, Ltd. (Donghua Chemical) (collectively, the Hebei Companies) submitted in the context of this new shipper review in support of Donghua Fine Chemical's new shipper review request, we determine that Donghua Fine Chemical does not meet the minimum requirements in its request for a new shipper review under 19 CFR 351.214(b)(2)(iv)(A) and (C).[3] Therefore, we preliminarily determine that it is appropriate to rescind the new shipper review with respect to Donghua Fine Chemical.[4]

Disclosure and Public Comment

We will disclose analysis performed to parties to the proceeding, normally not later than ten days after the day of the public announcement of, or, if there is no public announcement, within five days after the date of publication of, this notice.[5]

Interested parties are invited to comment on these preliminary results and submit written arguments or case briefs within 30 days after the date of publication of this notice, unless otherwise notified by the Department.[6] Rebuttal briefs, limited to issues raised in the case briefs, will be due five days later.[7] Parties who submit case or rebuttal briefs are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument. Parties are requested to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

Any interested party who wishes to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration within 30 days after the day of publication of this notice. A request should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.[8] Issues raised in the hearing will be limited to those raised in case briefs.

We will issue the final rescission or final results of this new shipper review, including the results of our analysis of issues raised in any briefs, within 90 days after the date on which the preliminary rescissions were issued, unless the deadline for the final results is extended.[9]

Assessment Rates

Donghua Fine Chemical's entries are currently subject to the PRC-wide rate. Although we intend to rescind the new shipper review, we are currently conducting an administrative review for the period of review March 1, 2012, through February 28, 2013, which covers the entry subject to this new

[1] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, regarding, ''Decision Memorandum for Preliminary Results of Antidumping Duty New Shipper Review: Glycine from the People's Republic of China'' (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice, for a complete description of the scope of the order; *see also Antidumping Duty Order: Glycine From the People's Republic of China,* 60 FR 16116 (March 29, 1995).

[2] *See* Memorandum to Richard O. Weible, Director, Antidumping and Countervailing Duty Operations, Office 7, Import Administration, regarding, ''Proprietary Decision Memorandum for Preliminary Results of Antidumping Duty New Shipper Review: Glycine from the People's Republic of China,'' dated concurrently with these results and hereby adopted by this notice (Proprietary Preliminary Decision Memorandum).

[3] We note that based on the information presented at initiation, we initiated a review of Donghua Fine Chemical's exports to the United States of glycine from the PRC. However, based on our review of record information, we note that this new shipper review covers imports of technical grade (or crude glycine) produced by Donghua Chemical and then further processed and exported by Donghua Fine Chemical.

[4] We have not conducted a detailed *bona fides* analysis for these preliminary results due to the preliminary decision that Donghua Fine Chemical is not eligible for a new shipper review because record evidence appears to indicate that Donghua Fine Chemical is affiliated with entities that exported subject merchandise to the United States more than one year prior to Donghua Fine Chemical's request for new shipper review. Should Donghua Fine Chemical sufficiently demonstrate that it is not, in fact, affiliated with entities which exported subject merchandise to the United States more than one year prior to Donghua Fine Chemical's request for new shipper review as detailed above, we will conduct a full *bona fides* analysis of Donghua Fine Chemical's reported sales at that time.

[5] *See* 19 CFR 351.224(b).

[6] *See* 19 CFR 351.309(c)(ii).

[7] *See* 19 CFR 351.309(d).

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.214(i).

shipper review. Accordingly, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend entries during the period March 1, 2012, through February 28, 2013, of subject merchandise exported by Donghua Fine Chemical until CBP receives instructions relating to the administrative review covering the period March 1, 2012, through February 28, 2013.

Cash Deposit Requirements

Effective upon publication of the final rescission or the final results of this new shipper review, we will instruct CBP to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise by Donghua Fine Chemical. If we proceed to a final rescission of this new shipper review, the cash deposit rate will continue to be the PRC-wide rate for Donghua Fine Chemical. If we issue final results of the new shipper review, we will instruct CBP to collect cash deposits, effective upon the publication of the final results, at the rate established therein.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This new shipper review and notice are in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214(f).

Dated: August 16, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

1. Background
2. Scope of the Order
3. Discussion of Methodology

[FR Doc. 2013–20655 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty New Shipper Review; 2011–2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On May 30, 2013, the Department of Commerce (''Department'') published the preliminary results of an antidumping duty new shipper review of multilayered wood flooring (''MLWF'') from the People's Republic of China (''PRC'').[1] We invited interested parties to comment on our preliminary results. Based on our analysis of the comments, we made changes to our margin calculations for this new shipper, Power Dekor Group Co., Ltd. (''Power Dekor''). We continue to find that Power Dekor did not make a sale of subject merchandise at less than normal value.

DATES: Effective August 23, 2013.

FOR FURTHER INFORMATION CONTACT: Trisha Tran, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4852.

SUPPLEMENTARY INFORMATION:

Case History

The Department published the *Preliminary Results* on May 30, 2013.[2] On July 1, 2013, The Coalition for American Hardwood Parity (''Petitioner'') submitted its case brief,[3] and on July 8, 2013, Power Dekor submitted its rebuttal brief.[4]

Period of Review

The period of review (''POR'') is May 26, 2011, through May 31, 2012. This POR corresponds to the period from the date of suspension of liquidation to the end of the month immediately preceding the first semiannual anniversary month pursuant to 19 CFR 351.214(g)(1)(ii)(B).

Scope of the Order

The merchandise covered by the order includes MLWF, subject to certain exceptions.[5] The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500;

[1] *See Multilayered Wood Flooring From the People's Republic of China; Preliminary Results of Antidumping Duty New Shipper Review; 2011–2012,* 78 FR 32367 (May 30, 2013) (''*Preliminary Results*'').

[2] Also adopted as part of the *Preliminary Results* was the Memorandum to Paul Piquado entitled ''Decision Memorandum for Preliminary Results of Antidumping Duty New Shipper Review: Multilayered Wood Flooring from the People's Republic of China,'' dated May 23, 2013 (''Preliminary Decision Memorandum'').

[3] *See* Letter from Petitioner entitled ''Multilayered Wood Flooring from China: New Shipper Review,'' dated July 1, 2013.

[4] *See* Letter from Power Dekor Group entitled ''New Shipper Review for Multilayered Wood Flooring from the People's Republic of China: Response to Petitioner's Comments,'' dated July 8, 2013.

[5] For a complete description of the Scope of the Order, *see* Memorandum to Ronald K. Lorentzen entitled ''Issues and Decision Memorandum for the Final Results in the Antidumping Duty New Shipper Review of Multilayered Wood Flooring from the People's Republic of China,'' dated August 16, 2013 (''Issues and Decision Memorandum'').

4418.71.2000; 4418.71.9000; 4418.72.2000; and 4418.72.9500.

The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this new shipper review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues which parties raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the *Preliminary Results*

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results,* we have made the following revisions to the margin calculations for Power Dekor:[6]

- We revised overhead, SG&A, and profit margin to reflect the exclusion of Winlex Marketing Corporations' 2011 financial statements.
- We revised overhead, SG&A, and profit margin to reflect the exclusion of Davao Panels Enterprises' 2011 financial statements.

Final Results Margin

The Department finds that the following weighted-average dumping margin exists:

Exporter	Producer	Weighted-average dumping margin (percent)
Power Dekor Group Co., Ltd.	Guangzhou Homebon Timber Manufacturing Co., Ltd.	0.00

Disclosure

We intend to disclose to parties the calculations performed in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The Department recently announced a refinement to its assessment practice in non-market economy (''NME'') cases.[7] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by the company individually examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that the exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the NME-wide rate.[8]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this new shipper review for all shipments of the subject merchandise from Power Dekor entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the ''Act''): (1) For subject merchandise exported by Power Dekor and produced by Guangzhou Homebon Timber Manufacturing Co., Ltd., the cash deposit rate will be 0.00 percent and (2) for subject merchandise exported by Power Dekor but not produced by Guangzhou Homebon Timber Manufacturing Co., Ltd., the cash deposit rate will be the PRC-wide rate of 58.84 percent.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding APO

This notice also serves as a reminder to the parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of business proprietary information (''BPI'') disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern BPI in this segment of the proceeding. Timely notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 751(a)(2)(B) and 777(i) of the Act.

[6] For detailed information concerning all of the changes made, including those listed above, *see* Memorandum from the Department entitled ''New Shipper Review for Multilayered Wood Flooring from the People's Republic of China: Final Analysis Memo for Power Dekor Group Co., Ltd.,'' dated concurrently with this memorandum.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[8] *Id.*

Dated: August 16, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix—Issue for Final Results

Issue: Selection of Surrogate Financial Statements.

[FR Doc. 2013–20648 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Oregon Health and Science University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscope

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 13–001. *Applicant:* Oregon Health and Science University, Portland, OR 97239. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* See notice at 78 FR 13860–61, March 1, 2013.

Docket Number: 13–003. *Applicant:* Howard Hughes Medical Institute, Chevy Chase, MD 20815. *Instrument:* Electron Microscope. *Manufacturer:* FEI, the Netherlands. *Intended Use:* See notice at 78 FR 13860–61, March 1, 2013.

Docket Number: 13–004. *Applicant:* Georgia Institute of Technology, Atlanta, GA 30332. *Instrument:* Electron Microscope. *Manufacturer:* Hitachi High-Technologies Corp., Japan. *Intended Use:* See notice at 78 FR 13860–61, March 1, 2013.

Docket Number: 13–005. *Applicant:* Case Western Reserve University, Cleveland, OH 44106–4965. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 78 FR 13860–61, March 1, 2013.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the instrument was ordered. *Reasons:* Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: August 15, 2013.

Gregory W. Campbell,

Director, Subsidies Enforcement Office, Import Administration.

[FR Doc. 2013–20632 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective:* August 23, 2013.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230, telephone: (202) 482–3692.

SUPPLEMENTARY INFORMATION: Section 702 of the Trade Agreements Act of 1979 (as amended) (the Act) requires the Department of Commerce (the Department) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(h) of the Act, and to publish quarterly updates to the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on articles of cheese that were imported during the periods January 1, 2013, through March 31, 2013.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: August 16, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix—Subsidy Programs on Cheese Subject to an In-Quota Rate of Duty

Country	Program(s)	Gross [1] subsidy ($/lb)	Net [2] subsidy ($/lb)
27 European Union Member States [3]	European Union Restitution Payments	$0.00	$0.00
Canada	Export Assistance on Certain Types of Cheese	0.35	0.35
Norway	Indirect (Milk) Subsidy	0.00	0.00
	Consumer Subsidy	*0.00*	*0.00*
	Total	0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

[1] Defined in 19 U.S.C. 1677(5).

[2] Defined in 19 U.S.C. 1677(6).

[3] The 27 member states of the European Union are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

[FR Doc. 2013–20637 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Open Meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on Friday, September 27, 2013 from 8:30 a.m. to 5:00 p.m. Eastern Time.

DATES: The meeting will be held Friday, September 27, 2013, from 8:30 a.m. to 5:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held at the NIST, 100 Bureau Drive, Gaithersburg, MD 20899.

Please note admittance instructions in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Karen Lellock, Manufacturing Extension Partnership, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, telephone number (301) 975–4269, email: *Karen.Lellock@nist.gov.*

SUPPLEMENTARY INFORMATION: The MEP Advisory Board (Board) is authorized under Section 3003(d) of the America COMPETES Act (P.L. 110–69) in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Board is composed of 10 members, appointed by the Director of NIST. MEP is a unique program consisting of centers across the United States and Puerto Rico with partnerships at the state, federal, and local levels. The Board works closely with MEP to provide input and advice on MEP's programs, plans, and policies.

Background information on the Board is available at *http://www.nist.gov/mep/advisory-board.cfm*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the MEP Advisory Board will hold an open meeting on Friday, September 27, 2013 from 8:30 a.m. to 5:00 p.m. Eastern Time. This meeting will focus on (1) The MEP Advisory Board report on cost share requirements, (2) the National Academy of Science's report, ''21st Century Manufacturing: The Role of the Manufacturing Extension Partnership of the National Institute of Standards,'' (3) NIST Manufacturing related programs and initiatives, and (4) MEP Strategic planning activities. The agenda may change to accommodate other Board business. The final agenda will be posted on the MEP Advisory Board Web site at *http://www.nist.gov/mep/advisory-board.cfm.*

Admittance Instructions: Anyone wishing to attend this meeting should submit their name, email address and phone number to Karen Lellock (*Karen.lellock@nist.gov* or 301–975–4269) no later than Friday, September 20, 2013, 5:00 p.m. Eastern Time.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the MEP Advisory Board's business are invited to request a place on the agenda. Approximately 15 minutes will be reserved for public comments at the beginning of the meeting. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received but is likely to be no more than three to five minutes each. The exact time for public comments will be included in the final agenda that will be posted on the MEP Advisory Board Web site as *http://www.nist.gov/mep/advisory-board.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the MEP Advisory Board, National Institute of Standards and Technology, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, or via fax at (301) 963–6556, or electronically by email to *karen.lellock@nist.gov.*

Dated: August 15, 2013.

Phillip Singerman,

Associate Director for Innovation & Industry Services.

[FR Doc. 2013–20620 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC826

Mid-Atlantic 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 Mid-Atlantic Fishery Management Council's (MAFMC) Bluefish Monitoring Committee and Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will hold a public meeting.

DATES: The Monitoring Committees will meet on Thursday, September 19, 2013 from 9 a.m. until 5 p.m. See **SUPPLEMENTARY INFORMATION** for meeting agendas.

ADDRESSES: The meeting will be held at the Inn at Henderson's Wharf, 1000 Fell Street, Baltimore, MD 21231; telephone: (410)–522–7777.

Council Address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Bluefish Monitoring Committee and Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will meet on September 19 to discuss and recommend 2014 annual catch targets (ACTs) and other associated management measures for the bluefish, summer flounder, scup, and black sea bass fisheries. Multi-year ACTs and management measures, applicable to fishing years 2014–16, may be considered.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically 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 MAFMC's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: August 20, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–20598 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC828

South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting of the South Atlantic Fishery Management Council (SAFMC).

SUMMARY: In addition to a Swearing-In Ceremony for new South Atlantic Fishery Management Council (Council) Members and a Council Member Visioning Workshop, the Council will hold a meetings of the: Ecosystem-Based Management Committee: Dolphin Wahoo Committee; Southeast Data, Assessment and Review Committee (partially Closed Session); Snapper Grouper Committee; King & Spanish Mackerel Committee; Advisory Panel Selection Committee (closed session); Protected Resources Committee; Executive Finance Committee; Data Collection Committee; and a meeting of the Full Council. The Council will take action as necessary. The Council will also hold an informal public question and answer session regarding agenda items and a formal public comment session.

DATES: The Council meeting will be held from 9 a.m. on Monday, September 16, 2013 until 1 p.m. on Friday, September 20, 2013.

ADDRESSES: The meeting will be held at the Charleston Marriott Hotel, 170 Lockwood Boulevard, Charleston, SC 29403; telephone: (800) 968–3569 or (843) 723–3000; fax: (843) 723–0276.

Council Address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The items of discussion in the individual meeting agendas are as follows:

Council Member Visioning Workshop Agenda, Monday, September 16, 2013, 9:15 a.m. until 12 noon

1. Receive a presentation on the Logic Model.
2. Review and discuss the Mid-Atlantic Fishery Management Council Strategic Plan.
3. Review SAFMC Snapper Grouper Objectives, provide direction to staff and schedule upcoming Port Meetings.

Ecosystem-Based Management Committee Agenda, Monday, September 16, 2013, 1:30 p.m. until 2:30 p.m.

1. Review public hearing comments for Coral Amendment 8, pertaining to Coral Habitat Areas of Particular Concern (HAPCs) and transit through the Oculina HAPC.
2. Review Amendment 8 and discuss recommendation of approval of the amendment for formal Secretarial review. Deem the codified text as necessary.
3. Receive an update on ecosystem activities.

Dolphin Wahoo Committee Agenda, Monday, September 16, 2013, 2:30 p.m. until 4 p.m.

1. Receive updates on the status of commercial and recreational catches versus Annual Catch Limits (ACLs).
2. Review public hearing comments for Dolphin Wahoo Amendment 5, pertaining to bag limit sales of fish and changes to the ACL and the Allowable Biological Catch (ABC).
4. Review Amendment 5 and discuss recommendation of approval of the amendment for formal Secretarial review. Deem the codified text as necessary.
3. Discuss issue of transport of fillets from Bahamian waters into the United States' (US) Exclusive Economic Zone (EEZ).

Southeast Data, Assessment and Review (SEDAR) Committee Agenda, Monday, September 16, 2013, 4 p.m. until 5 p.m. (Note: A portion of this meeting will be Closed.)

1. Receive a SEDAR activities update. Take Committee action as appropriate. Develop guidance to SEDAR Steering Committee members for the SEDAR process as well as the 2015 assessment priorities.
2. Develop recommendations for SEDAR 38 (Gulf of Mexico and South Atlantic King Mackerel) participants (Closed Session).

Snapper Grouper Committee Agenda, Tuesday, September 17, 2013, 8:30 a.m. until 5 p.m. and Wednesday, September 18, 2013, 8:30 a.m. until 12 noon

1. Receive and discuss the status of commercial and recreational catches versus ACLs.
2. Receive and discuss a report on total removals of red snapper in 2012 from U.S. South Atlantic waters.
3. Receive an update on the status of Snapper Grouper amendments under formal Secretarial review.
4. Receive a briefing on the deployment of artificial reef material in the Charleston Deep Reef Marine Protected Area (MPA).
5. Review public hearing comments for Regulatory Amendment 14, relating to a multitude of species in the Snapper Grouper Fishery Management Plan (FMP).
5. Review Regulatory Amendment 14 and discuss recommendation of approval of the amendment for formal Secretarial review. Deem the codified text as necessary.
6. Receive an overview of the following Snapper Grouper amendments: Amendment 29, pertaining to Only Reliable Catch Stocks (ORCS) Revisions to the Control Rule; Amendment 22, relating to tags that would track recreational harvest of species; and Regulatory Amendment 16, pertaining to the removal of the prohibition of Black Sea Bass pots. The committee will take action as necessary and provide guidance to staff.
7. Receive an overview of Snapper Grouper Regulatory Amendment 17, relating to MPAs and HAPCs for Speckled Hind and Warsaw Grouper. Review the stated Purpose and Need of the amendment; select sites that meet the criteria for MPA/HAPC reconfiguration as well as target spawning of Speckled Hind and Warsaw Grouper; and provide guidance to staff on timing of the amendment.

King & Spanish Mackerel Committee Agenda, September 18, 2013, 1:30 p.m. until 5 p.m.

1. Receive and discuss the status of commercial and recreational catches versus ACLs for Atlantic group King Mackerel, Spanish Mackerel, and Cobia.
2. Review public hearing comments for the following amendments in the Coastal Migratory Pelagics (CMP) FMP: Joint South Atlantic/Gulf of Mexico

(Gulf) Mackerel Amendment 19, pertaining to permits and tournament sale requirements; Joint Mackerel Amendment 20, regarding boundaries and transit provisions; and actions in the South Atlantic Mackerel Framework, relating to transfer at sea and trip limits. Develop recommendations for approval of the amendments and the framework as appropriate; recommend approval of the amendments and framework for formal Secretarial review; and deem the codified text as necessary.

Note: There will be an informal public question and answer session with the NMFS Regional Administrator and the Council Chairman on Wednesday, September 18, 2013, beginning at 5:30 p.m.

Advisory Panel (AP) Selection Committee Agenda, Thursday, September 19, 2013, 8:30 a.m. until 9:30 a.m. (Closed Session)

1. Review motions from the June 2013 appointment recommendations and take action as necessary.
2. Review the current AP policies of the other Councils and provide recommendations for term limits.

Protected Resources Committee Agenda, Thursday, September 19, 2013, 9:30 a.m. until 11 a.m.

1. Receive an update from the Southeast Regional Office (SERO) Protected Resources Division on the current consultations of species.
2. Receive a presentation on the biology and behavior of species as well as the Atlantic Large Whale Take Reduction Plan Proposed Rule and the Black Sea Bass Pot/Right Whale Co-occurrence Model.
3. Receive an update from the Endangered Species Act (ESA) Working Group.
4. Discuss presentations and updates and take action as appropriate.

Executive Finance Committee Agenda, Thursday, September 19, 2013, 11 a.m. until 12 noon

1. Receive an update on the status of Council calendar year (CY) 2013 funding as well as CY 2013 budget expenditures.
2. Receive an update on the Joint Committee on South Florida Management Issues workshops.
3. Discuss Council Follow-up and Priorities and address other issues as appropriate.

Data Collection Committee Agenda, Thursday, September 19, 2013, 1:30 p.m. until 3:30 p.m.

1. Receive an update on the status of the Joint South Atlantic/Gulf Generic For-Hire Reporting Amendment (South Atlantic portion only) as well as the status on the CMP Framework for Headboat Reporting in the Gulf.
2. Receive a report on how compliance will be implemented in both the Generic For-Hire Reporting Amendment and the Joint South Atlantic/Gulf Generic Dealer Permit Amendment.
3. Review public hearing comments on the Joint South Atlantic/Gulf Generic Dealer Permit Amendment. Review any changes to the amendment and discuss recommendation of approval of the amendment for formal Secretarial review. Deem the codified text as necessary.
4. Receive Southeast Fisheries Science Center (SEFSC) presentations on: sample sizes for individual species; and the commercial electronic logbook pilot project for the Joint South Atlantic/Gulf Generic Commercial Logbook Reporting Amendment. Discuss and take action as appropriate.
5. Receive an overview of Gulf actions for the Gulf Generic Charterboat Reporting Amendment. Provide guidance to staff and take action as appropriate.

Council Session: September 19, 2013, 4 p.m. until completion of public comment period and September 20, 2013, 8 a.m. until 1 p.m.

Council Session Agenda, Thursday, September 19, 2013, 4 p.m. until completion of public comment period

4 p.m.–4:15 p.m.: Call the meeting to order, adopt the agenda, approve the June 2013 minutes, elect Council Chairman and Vice Chairman, and receive presentations.

Note: A formal public comment session will be held on Thursday, September 19, 2013, beginning at 4:30 p.m. on the following items: Snapper Grouper Regulatory Amendment 14; Dolphin Wahoo Amendment 5; Coral Amendment 8; Mackerel Amendments 19 and 20; Mackerel Framework; and the Joint South Atlantic and Gulf Generic Dealer Permit Amendment. Following comment on these specific items, public comment will be accepted regarding any other items on the Council agenda. The amount of time provided to individuals will be determined by the Chairman based on the number of individuals wishing to comment.

Council Session Agenda, Friday, September 20, 2013, 8 a.m. until 1 p.m.

8 a.m.–8:15 a.m.: The Council will receive a legal briefing on litigation. (Closed Session)

8:15 a.m.–8:30 a.m.: The Council will receive a report from the Snapper Grouper Committee and is scheduled to either approve or disapprove Regulatory Amendment 14 for formal Secretarial review. The Council will consider other Committee recommendations and take action as appropriate.

8:30 a.m.–8:45 a.m.: The Council will receive a report from the King & Spanish Mackerel Committee and is scheduled to approve or disapprove the following amendments for formal Secretarial review: Mackerel Amendment 19; Mackerel Amendment 20; and South Atlantic Framework actions. The Council will consider other Committee recommendations and take action as appropriate.

8:45 a.m.–9 a.m.: The Council will receive a report from the Data Collection Committee and is scheduled to either approve or disapprove the Joint South Atlantic/Gulf Generic Dealer Permit Amendment for formal Secretarial review. The Council will consider other Committee recommendations and take action as appropriate.

9 a.m.–9:15 a.m.: The Council will receive a report from the Ecosystem-Based Management Committee and is scheduled to either approve or disapprove Coral Amendment 8 for formal Secretarial review. The Council will consider other Committee recommendations and take action as appropriate.

9:15 a.m.–9:30 a.m.: The Council will receive a report from the Dolphin Wahoo Committee and is scheduled to either approve or disapprove Dolphin Wahoo Amendment 5 for formal Secretarial review. The Council will consider other Committee recommendations and take action as appropriate.

9:30 a.m.–9:45 a.m.: The Council will receive a report from the Council Member Visioning Workshop, consider workshop recommendations and take action as appropriate.

9:45 a.m.–10 a.m.: The Council will receive a report from the SEDAR Committee and is scheduled to approve SEDAR 38 participants. The Council will consider other Committee recommendations and take action as appropriate.

10 a.m.–10:15 a.m.: The Council will receive a report from the AP Selection Committee and will consider recommendations for the appointment or reappointment of AP members. The Council will consider other Committee recommendations and take action as appropriate.

10:15 a.m.–10:30 a.m.: The Council will receive a report from the Protected Resources Committee, consider Committee recommendations and take action as appropriate.

10:30 a.m.–10:45 a.m.: The Council will receive a report from the Executive

Finance Committee and is scheduled to approve the Council Follow-up and Priorities documents. The Council will take action on the South Florida Management issues as appropriate, consider other Committee recommendations and take action as appropriate on these recommendations.

10:45 a.m.–1 p.m.: The Council will receive various presentations, including a briefing on the status of the U.S. and Bahamas border issue and Highly Migratory Species (HMS) Amendment 7 regarding Atlantic Bluefin Tuna, as well as status reports from SERO and the NMFS SEFSC. The Council will review and develop recommendations on Experimental Fishing Permits as necessary; review agency and liaison reports; and discuss other business and upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 20, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–20600 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC827

Mid-Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Mackerel, Squid, and Butterfish Advisory Panel (AP) will meet to develop recommendations for Georges Bank yellowtail flounder accountability measures.

DATES: The meeting will be held on Monday, September 9, 2013 at 10 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn, One Thurber Street, Warwick, RI 02886; telephone: (401) 734–9600.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: Due to declining stock status, Georges Bank yellowtail flounder catch is likely to be severely restricted in coming years. The small-mesh whiting and squid fisheries have bycatch of Georges Bank yellowtail flounder that will likely need to be mitigated as part of a variety of fishing restrictions. The Whiting Advisory Panel is meeting at the same time and the two advisory panels will meet jointly since the small-mesh measures are likely to affect both the whiting and squid fisheries. The goal of the meeting is to develop recommendations for Georges Bank yellowtail flounder accountability measures to be considered as alternatives in Multispecies Framework Adjustment 51 and/or a future action in the Mackerel, Squid, and Butterfish Fishery Management Plan. Accountability measures can either be proactive, which prevent annual catch limit overages or reactive, which pay back past overages and/or prevent future overages.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: August 20, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–20599 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC829

Pacific Fishery Management Council; Public Meetings

AGENCY: NMFS, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet September 11–17, 2013. The Pacific Council meeting will begin on Thursday, September 12, 2013 at 8 a.m., reconvening each day through Tuesday, September 17, 2013. All meetings are open to the public, except a closed session will be held at the end of the scheduled agenda on Thursday, September 12 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Pacific Council and its advisory entities will be held at the Riverside Hotel, 2900 Chinden Blvd., Boise, ID 83714; telephone: (208) 343–1871. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION** below.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: 503–820–2280 or 866–806–7204 toll free; or access the Pacific Council Web site, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The September 12–17, 2013 meeting of the Pacific Fishery Management Council will be streamed live on the internet. The live meeting will be broadcast daily starting at 8 a.m. Mountain Time (MT), beginning on Thursday, September 12, 2013 through Tuesday September 17, 2013. The broadcast will end daily at 6 p.m. MT or when business for the day is complete. Only the audio portion, and portions of the presentations displayed on the screen at the Council meeting, will be broadcast. The audio portion is listen-only; you will be unable to speak to the Council via the broadcast. Attend the broadcast meeting online by going to *http://www.joinwebinar.com* and entering the Webinar ID; for September the Webinar ID is 626–030–015, and then enter your email address as required. The audio and visual portions of the broadcast may be attended using a computer, tablet, or smart phone, using the GoToMeeting application. It is recommended that you use a computer headset to listen to the meeting, but if you do not have a headset or speakers, you may use your telephone for the audio portion of the meeting. The audio portion alone may be attended using a telephone by dialing the toll number 1–516–453–0031; phone audio access code 319–195–051 (not a toll-free number). The following items are on the Pacific Council agenda, but not necessarily in this order.

A. Call to Order
  1. Opening Remarks
  2. Roll Call
  3. Executive Director's Report
  4. Approve Agenda
B. Open Comment Period
  Comments on Non-Agenda Items
C. Enforcement Issues
  Tri-State Enforcement Report
D. Pacific Halibut Management
  1. Pacific Halibut Bycatch Estimate
  2. 2014 Pacific Halibut Regulations
E. Salmon Management
  1. 2013 Salmon Methodology Review
  2. Fishery Management Plan Amendment 18—Update of Essential Fish Habitat for Salmon
  3. Lower Columbia River Double-Crested Cormorant Management Plan
F. Habitat
  Current Habitat Issues
G. Groundfish Management
  1. National Marine Fisheries Service Report
  2. Sablefish Permit Stacking Program Review
  3. Approve Stock Assessments
  4. Science Improvements for the Next Groundfish Management Cycle
  5. Consideration of Inseason Adjustments
  6. Consideration of Trawl Rockfish Conservation Area Boundary Modifications
  7. Initial Actions for Setting 2015–2016 Groundfish Fisheries
  8. Consider Stock Complex Aggregations
  9. Trawl Rationalization Trailing Actions Scoping, Process, and Prioritization
  10. Electronic Monitoring Scoping
H. Administrative Matters
  1. Managing Our Nation's Fisheries 3 Conference Follow-ups and Unrelated Legislative Matters
  2. Approval of Council Meeting Minutes
  3. Fiscal Matters
  4. Membership Appointments and Council Operating Procedures
  5. Future Council Meeting Agenda and Workload Planning
I. Ecosystem-Based Management
  1. Update List of Fisheries
  2. Unmanaged Forage Fish Protection Initiative

Schedule of Ancillary Meetings

	Time	Location
Wednesday, September 11, 2013:		
Groundfish Advisory Subpanel	8 a.m.	Tamarack Room.
Groundfish Management Team	8 a.m.	Aspen Room.
Scientific and Statistical Committee	8 a.m.	North Star Room.
Habitat Committee	8:30 a.m.	Liberty Room.
Budget Committee	12 Noon	Emerald Room.
Legislative Committee	2 p.m.	Emerald Room.
Enforcement Consultants	5 p.m.	Delamar Room.
Thursday, September 12, 2013:		
California State Delegation	7 a.m.	Tamarack Room.
Oregon State Delegation	7 a.m.	Cinnabar Room.
Washington State Delegation	7 a.m.	North Star Room.
Groundfish Advisory Subpanel	8 a.m.	Tamarack Room.
Groundfish Management Team	8 a.m.	Aspen Room.
Scientific and Statistical Committee	8 a.m.	North Star Room.
Habitat Committee	8 a.m.	Liberty Room.
Enforcement Consultants	as Needed	Delamar Room.
Chair's Reception	6 p.m.	Lawn Area by Fireside Foyer.
Friday, September 13, 2013:		
California State Delegation	7 a.m.	Tamarack Room.
Oregon State Delegation	7 a.m.	Cinnabar Room.
Washington State Delegation	7 a.m.	North Star Room.
Groundfish Advisory Subpanel	8 a.m.	Tamarack Room.
Groundfish Management Team	8 a.m.	Aspen Room.
Scientific and Statistical Committee	8 a.m.	North Star Room.
Enforcement Consultants	as Needed	Delamar Room.
Saturday, September 14, 2013:		
California State Delegation	7 a.m.	Tamarack Room.
Oregon State Delegation	7 a.m.	Cinnabar Room.
Washington State Delegation	7 a.m.	North Star Room.
Groundfish Advisory Subpanel	8 a.m.	Tamarack Room.
Groundfish Management Team	8 a.m.	Aspen Room.
Ecosystem Advisory Subpanel	8 a.m.	Liberty Room.
Enforcement Consultants	as Needed	Delamar Room.
Sunday, September 15, 2013:		
California State Delegation	7 a.m.	Tamarack Room.
Oregon State Delegation	7 a.m.	Cinnabar Room.
Washington State Delegation	7 a.m.	North Star Room.
Groundfish Advisory Subpanel	8 a.m.	Tamarack Room.

SCHEDULE OF ANCILLARY MEETINGS—Continued

	Time	Location
Groundfish Management Team	8 a.m.	Aspen Room.
Ecosystem Advisory Subpanel	8 a.m.	Liberty Room.
Enforcement Consultants	as Needed	Delamar Room.
Monday, September 16, 2013:		
California State Delegation	7 a.m.	Tamarack Room.
Oregon State Delegation	7 a.m.	Cinnabar Room.
Washington State Delegation	7 a.m.	North Star Room.
Groundfish Advisory Subpanel	8 a.m.	Tamarack Room.
Groundfish Management Team	8 a.m.	Aspen Room.
Enforcement Consultants	as Needed	Delamar Room.
Tuesday, September 17, 2013:		
California State Delegation	7 a.m.	Tamarack Room.
Oregon State Delegation	7 a.m.	Cinnabar Room.
Washington State Delegation	7 a.m.	North Star Room.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during these meetings. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: August 20, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–20601 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Post Allowance and Refiling.

Form Number(s): PTO/SB/44/50/51/51S/52/53/56/141, PTO/AIA/05/06/07/50/53, and PTOL–85B.

Agency Approval Number: 0651–0033.

Type of Request: Revision of a currently approved collection.

Burden: 191,690 hours annually.

Number of Respondents: 352,150 responses per year.

Avg. Hours Per Response: The USPTO estimates that it will take the public from 12 minutes (0.20 hours) to 5 hours to gather the necessary information, prepare the appropriate form or document, and submit the information to the USPTO.

Needs and Uses: The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. When an application for a patent is allowed by the USPTO, the USPTO issues a notice of allowance and the applicant must pay the specified issue fee (including the publication fee, if applicable) within three months to avoid abandonment of the application.

This collection of information also encompasses several actions that may be taken after issuance of a patent, pursuant to Chapter 25 of Title 35 U.S.C. A certificate of correction may be requested to correct an error or errors in the patent. For an original patent that is believed to be wholly or partly inoperative or invalid, the assignee(s) or inventor(s) may apply for reissue of the patent, which entails several formal requirements, including provision of an oath or declaration specifically identifying at least one error being relied upon as the basis for reissue and stating the reason for the belief that the original patent is wholly or partly inoperative or invalid (e.g., a defective specification or drawing, or claiming more or less than the patentee had the right to claim in the patent).

The public uses this information collection to request corrections of errors in issued patents, to submit applications for reissue patents, and to submit issue fee payments.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov.*

Paper copies can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0033 copy request'' in the subject line of the message.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before September 23, 2013 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: August 19, 2013.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2013–20537 Filed 8–22–13; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products previously furnished by such agencies.

DATES: *Effective Date:* 9/23/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 6/7/2013 (78 FR 34350–34351); 6/21/2013 (78 FR 37524–37525); 6/28/2013 (78 FR 38952–38953); and 7/8/2013 (78 FR 40727–40728), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 USC 8501–8506) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

Power Duster
NSN: 6850–01–517–1506—10 oz.
NSN: 6850–01–412–0040—10 oz. 12/BX

Cleaner, Brake Parts
NSN: 6850–01–167–0678—7 oz.
NPA: The Lighthouse for the Blind, St. Louis

Towel, Hazardous Material Absorbent, Cotton, Red
NSN: 4235–01–526–4342—15″ x 15″
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Defense Logistics Agency Aviation, Richmond, VA
Coverage: B-List for the Broad Government Requirement as aggregated by the Defense Logistics Agency Aviation, Richmond, VA.

Helmet, Safety, Cap Style, 6¾″ to 8″
NSN: 8415–00–935–3132—Blue
NSN: 8415–00–935–3139—White
NSN: 8415–00–935–3140—Yellow
NPA: Keystone Vocational Services, Sharon, PA
Contracting Activity: General Services Administration, Fort Worth, TX
Coverage: A-list for the Total Government Requirement as aggregated by the General Services Administration.

Services

Service Type/Location: Custodial Service, St. Elizabeths Campus, 2701 Martin Luther King Jr. Avenue SE., Washington, DC.
NPA: CW Resources, Inc., New Britain, CT.
Contracting Activity: General Services Administration, Public Buildings Service, Potomac Service Center, Washington, DC.

Service Type/Location: Grounds Maintenance Service, USCG, Air Station-Savannah, 1297 N Lightning Rd, Savannah, GA.
NPA: Goodwill Industries of the Coastal Empire, Inc., Savannah, GA.
Contracting Activity: U.S. Coast Guard Base, Miami, Miami, FL.

Service Type/Location: Janitorial and Landscape Service, Terminal Island Immigration and Customs Enforcement Facility, 2001 S. Seaside Ave, San Pedro, CA.
NPA: Los Angeles Habilitation House, Long Beach, CA.
Contracting Activity: Dept Of Homeland Security, U.S. Immigration and Customs Enforcement, Mission Support Dallas, Dallas, TX.

Service Type/Location: Custodial Service, National Counterdrug Training Center Campus, Annville, PA.
NPA: Opportunity Center, Incorporated, Wilmington, DE.
Contracting Activity: Dept of the Army, W7NX USPFO Activity PA ARNG, Annville, PA.

Service Type/Location: Integrated Prime Vendor Supply Chain Management Service, [to support production, assembly, receipt, storage, packaging, preservation, delivery and related products/services for Expeditionary Force Provider (EFP) Modules and Modification System Cold Weather] US Army, Product Manager Force Sustainment Systems, Natick, MA.
NPA: ReadyOne Industries (ROI), Inc., El Paso, TX.
Contracting Activity: Dept of the Army, W6QK ACC–APG Natick, Natick, MA.

Comments were received from one firm that stated a large share of its business comes from the same requiring office, and that more information was required for it to assess the potential impact on its firm. The commenter requested that the Procurement List addition process for this proposed addition be suspended indefinitely until a valid and comprehensive analysis was conducted in accordance with 41 CFR 51, including but not limited to, the impact assessment required by 41 CFR 51–2.4 on the current expeditionary market contractors that support PM FSS.

The Commission does not agree that a suspension of the proposed addition is necessary or appropriate. In the interest of transparency, the service requirement being added to the Procurement List at this time is more specifically described herein as Integrated Prime Vendor (IPV) Supply Chain Management (SCM) Service to support production, assembly, receipt, storage, packaging, preservation, delivery and related products/services for Expeditionary Force Provider (EFP) Modules and Modification System Cold Weather. The Commission may consider and determine whether other elements of, or additional tasks related to the Contracting Activity's requirement for IPV SCM Service are suitable for addition to the Procurement List in the future.

The Commission's regulations, specifically the section cited, require the Commission to consider the level of impact on the current contractor for the commodity or service being considered for addition to the Procurement List as part of its determination that a product or service is suitable. The Commission defines the current contractor as the commercial source from which the responsible Government contracting activity is procuring the product or service that is the subject of a proposed addition.

Accordingly, the Commission's impact analysis finding was that the Army Contracting Command—Aberdeen Proving Ground Natick Contracting Division, on behalf of PM FSS, does not have a current contract for the provision of Integrated Prime Vendor Supply Chain Management Service. Previously, PM FSS has obtained various requirements for equipment or related material through use of various DLA Prime Vendor contracts, under DLA's Special Operational Equipment Tailored Logistics Support and/or Fire Emergency Services Programs. No single vendor was guaranteed to receive orders from PM FSS; many other DOD customers make use of the prime vendor contracts. PM FSS requirements for kitting or other supply chain management services required were obtained through the DLA depot system.

The commenter also questioned whether the objectives of the proposed addition were in opposition to the goal of the AbilityOne Program to create employment opportunities for people who are blind or have other significant disabilities. 41 CFR 51–2.4 Determination of Suitability requires the Commission to consider the employment potential of each proposed addition before it can determine a product or service suitable for addition to the Procurement List. In this case, the Commission determined that there is employment potential for the workforce of people who are significantly disabled in the provision of acquisition support services, kitting, manufacturing and design, and warehousing. The designated nonprofit agency has identified Full Time Equivalent positions for more than 33 individuals with significant disabilities in the delivery of services.

The commenter specifically questioned whether the nonprofit agency would be a pass-through to large subcontractors, therefore not maximizing the potential for employment of people who are blind or significantly disabled. Commission regulations permit the subcontracting of a portion of the process for producing a product or providing a service on the Procurement List, provided that the portion of the process retained by the nonprofit agency generates employment for people who are blind or have significant disabilities. Subcontracting that is intended to be a routine part of production is required to be identified to the Commission at the time of proposed addition and any changes in the extent of subcontracting must be approved in advance by the Commission. In this case, the Commission determined that the proposed subcontracting is consistent with its regulations and that the portion of the work retained will create employment for people who are blind or significantly disabled.

Deletions

On 7/19/2013 (78 FR 43180), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 USC 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to provide the products to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 USC 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN: 8125–00–NIB–0031—Spray Bottle, Green Solutions High Dilution 256 Neutral Disinfectant, Silk Screened, 12–32oz bottles
NPA: Susquehanna Association for the Blind and Vision Impaired, Lancaster, PA
Contracting Activity: Department of Veterans Affairs, National Acquisition Center, Hines, IL

NSN: 8465–01–592–1361—Sheath, Combination Tool Plastic
NPA: Development Workshop, Inc., Idaho Falls, ID
Contracting Activity: General Services Administration, Fort Worth, TX

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–20624 Filed 8–22–13; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to the Procurement List.

SUMMARY: The Committee is proposing to add products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments Must be Received on Or Before:* 9/23/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN: MR 10635—Serving Platter, Heavy Duty, Raised Surface, Fall Themed, White
NSN: MR 382—Duct Tape, Holiday Themed, Assorted Colors
NSN: MR 377—Socks, Holiday

NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Defense Commissary Agency, Fort Lee, VA
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

Service

Service Type/Location: Janitorial Service, US Fish and Wildlife Service, Rocky Mountain Arsenal National Wildlife Refuge, 6550 Gateway Road, Commerce City, CO.
NPA: North Metro Community Services for Developmentally Disabled, Westminster, CO
Contracting Activity: Dept of the Interior, U.S. Fish and Wildlife Service, Contracting and General Services DIV, Denver, CO

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–20625 Filed 8–22–13; 8:45 am]

BILLING CODE 6353–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2013–0028]

Proposed Collection; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Currently, the Bureau is soliciting comments concerning proposed information collection requirements relating to the Equal Access to Justice Act.

DATES: Written comments are encouraged and must be received on or before October 22, 2013 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- Electronic: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail/Hand Delivery/Courier: Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.

Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. In general, all comments received will be posted without change to regulations.gov, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov.* Please do not submit comments to this mailbox.

SUPPLEMENTARY INFORMATION:

Title of the Collection: Equal Access to Justice Act.

Office of Management and Budget (OMB) Control Number: 3170–XXXX.

Type of Review: New collection of information (request for new OMB control number).

Affected Public: Individuals or households; business or other for-profit; and not-for-profit institutions.

Estimated Number of Respondents: 3.

Estimated Total Annual Burden Hours: 15.

Abstract: The Equal Access to Justice Act (the Act) provides for payment of fees and expenses to eligible parties who have prevailed against the Bureau in certain administrative proceedings. In order to obtain an award, the statute and associated regulations (12 CFR part 1071) require the filing of an application that shows that the party is a prevailing party and is eligible to receive an award under the Act. The Bureau regulations implementing the Act require the collection of information related to the application for an award in 12 CFR part 1071, Subparts B, C.

On June 29, 2012, the Bureau published in the **Federal Register** an interim final rule implementing the Act. 77 FR 39117. At that time, the Bureau adopted the position that the rule did not contain any information collection requirements that required the approval of OMB under the Paperwork Reduction Act (the ''PRA''), 44 U.S.C. 3501 et seq. The Bureau has since changed its interpretation and now adopts the position that the rule does contain information collection requirements that require the approval of OMB under the PRA and invites the general public and other Federal agencies to comment on the proposed information collections.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: August 20, 2013.

Matthew Burton,

Acting Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2013–20650 Filed 8–22–13; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting; Cancellation

AGENCY: U.S. Consumer Product Safety Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 78, No. 162, Wednesday, August 21, 2013, page 51713.

ANNOUNCED TIME AND DATE OF MEETING: Wednesday, August 21, 2013, 10 a.m.–11 a.m.

MEETING CANCELED. For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Todd A. Stevenson, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20814 (301) 504–7923.

Dated: August 21, 2013.

Todd A. Stevenson,

Secretary.

[FR Doc. 2013–20693 Filed 8–21–13; 11:15 am]

BILLING CODE 6355–01–P

COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

Senior Executive Service Performance Review Board Membership

AGENCY: Council of the Inspectors General on Integrity and Efficiency.

ACTION: Notice.

SUMMARY: This notice sets forth the names and titles of the current membership of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) Performance Review Board as of October 1, 2013.

DATES: Effective October 1, 2013.

FOR FURTHER INFORMATION CONTACT: Individual Offices of Inspectors General at the telephone numbers listed below.

SUPPLEMENTARY INFORMATION:

I. Background

The Inspector General Act of 1978, as amended, created the Offices of Inspectors General as independent and objective units to conduct and supervise audits and investigations relating to Federal programs and operations. The Inspector General Reform Act of 2008, established the Council of the Inspectors General on Integrity and Efficiency (CIGIE) to address integrity, economy, and effectiveness issues that transcend individual Government agencies; and increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the Offices of Inspectors General. The CIGIE is an interagency council whose executive chair is the Deputy Director for Management, Office of Management and Budget, and is comprised principally of the 73 Inspectors General (IGs).

II. CIGIE Performance Review Board

Under 5 U.S.C. 4314(c)(1)–(5), and in accordance with regulations prescribed by the Office of Personnel Management, each agency is required to establish one or more Senior Executive Service (SES) performance review boards. The purpose of these boards is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive. The current members of the Council of the Inspectors General on Integrity and Efficiency Performance Review Board, as of October 1, 2013, are as follows:

Agency for International Development

Phone Number: (202) 712–1150.

CIGIE Liaison—Marcelle Davis (202) 712–1150.

Michael G. Carroll—Acting Inspector General.

Lisa Risley—Assistant Inspector General for Investigations.

Melinda Dempsey—Acting Assistant Inspector General for Audits.

Lisa McClennon—Deputy Assistant Inspector General for Investigations.

Alvin A. Brown—Deputy Assistant Inspector General for Audits.

Lisa Goldfluss—Legal Counsel to the Inspector General.

Department of Agriculture

Phone Number: (202) 720–8001.

CIGIE Liaison—Dina J. Barbour (202) 720–8001.

David R. Gray—Deputy Inspector General.

Christy A. Slamowitz—Counsel to the Inspector General.

Gilroy Harden—Assistant Inspector General for Audit.

Rodney G. DeSmet—Deputy Assistant Inspector General for Audit.

Tracy A. LaPoint—Deputy Assistant Inspector General for Audit.

Steven H. Rickrode, Jr.—Deputy Assistant Inspector General for Audit.

Karen L. Ellis—Assistant Inspector General for Investigations.

Kathy C. Horsley—Deputy Assistant Inspector General for Investigations.

Lane M. Timm– Assistant Inspector General for Management.

Department of Commerce

Phone Number: (202) 482–4661.

CIGIE Liaison—Justin Marsico (202) 482–9107.

Ann Eilers—Principal Assistant Inspector General for Audit and Evaluation.

Allen Crawley—Assistant Inspector General for Systems Acquisition and IT Security.

Andrew Katsaros—Assistant Inspector General for Audit.

Ronald C. Prevost—Assistant Inspector General for Economic and Statistical Program Assessment.

Department of Defense

Phone Number: (703) 604–8324.

CIGIE Liaison—David Gross (703) 604–8324.

Daniel R. Blair—Deputy Inspector General for Auditing.

James B. Burch—Deputy Inspector General for Investigations.

Alice F. Carey—Assistant Inspector General for Contract Management and Payments.

Carolyn R. Davis—Assistant Inspector General for Audit Policy and Oversight.

Amy J. Frontz—Principal Assistant Inspector General for Auditing.

Marguerite C. Garrison—Deputy Inspector General for Administrative Investigations.

Lynne M. Halbrooks—Principal Deputy Inspector General.

James R. Ives—Assistant Inspector General for Investigations, Investigative Operations.

Kenneth P. Moorefield—Deputy Inspector General for Special Plans and Operations.

James L. Pavlik—Assistant Inspector General for Investigative Policy and Oversight.

Henry C. Shelley Jr.—General Counsel.

Randolph R. Stone—Deputy Inspector General for Policy and Oversight.

Anthony C. Thomas—Deputy Inspector General for Intelligence and Special Program Assessments.

Ross W. Weiland—Assistant Inspector General for Investigations, Internal Operations.

Jacqueline L. Wicecarver—Assistant Inspector General for Acquisition and Spare Parts.

Stephen D. Wilson—Assistant Inspector General for Administration and Management.

Department of Education

Phone Number: (202) 245–6900.

CIGIE Liaison—Janet Harmon (202) 245–6076.

Wanda Scott—Assistant Inspector General for Management Services.

Patrick Howard—Assistant Inspector General for Audit.

William Hamel—Assistant Inspector General for Investigations.

Charles Coe—Assistant Inspector General for Information Technology Audits and Computer Crime Investigations.

Marta Erceg—Counsel to the Inspector General.

Department of Energy

Phone Number: (202) 586–4393.

CIGIE Liaison—Juston Fontaine (202) 586–1959.

John Hartman—Deputy Inspector General for Investigations.

Rickey Hass—Deputy Inspector General for Audits and Inspections.

Linda Snider—Deputy Inspector General for Management and Administration.

George Collard—Assistant Inspector General for Audits.

Daniel Weeber—Assistant Inspector General for Audits and Administration.

Sandra Bruce—Assistant Inspector General for Inspections.

Michael Milner—Assistant Inspector General for Investigations.

Virginia Grebasch—General Counsel.

Environmental Protection Agency

Phone Number: (202) 566–0847.

CIGIE Liaison—Jennifer Kaplan (202) 566–0918.

Charles Sheehan—Deputy Inspector General.

Aracely Nunez-Mattocks—Chief of Staff to the Inspector General.

Patrick Sullivan—Assistant Inspector General for Investigations.
Patricia Hill—Assistant Inspector General for Mission Systems.
Carolyn Copper—Assistant Inspector General for Program Evaluation.

General Services Administration

Phone Number: (202) 501–0450.
CIGIE Liaison—Sarah S. Breen (202) 219–1351.
Robert C. Erickson—Deputy Inspector General.
Richard P. Levi—Counsel to the Inspector General.
Theodore R. Stehney—Assistant Inspector General for Auditing.
Nick Goco, Deputy Assistant Inspector General for Real Property Audits.
James P. Hayes, Deputy Assistant Inspector General for Acquisition Programs Audits.
Geoffrey Cherrington—Assistant Inspector General for Investigations.
Lee Quintyne—Deputy Assistant Inspector General for Investigations
Larry L. Gregg—Associate Inspector General for Administration.

Department of Health and Human Services

Phone Number: (202) 619–3148.
CIGIE Liaison—Elise Stein (202) 619–2686.
Joanne Chiedi—Principal Deputy Inspector General.
Paul Johnson—Deputy Inspector General for Management and Policy.
Robert Owens, Jr.—Assistant Inspector General for Information Technology (Chief Information Officer).
Gary Cantrell—Deputy Inspector General for Investigations.
Tyler Smith—Assistant Inspector General for Investigations.
Les Hollie—Assistant Inspector General for Investigations.
Stuart E. Wright—Deputy Inspector General for Evaluation and Inspections.
Andrea Buck—Assistant Inspector General for Evaluation and Inspections.
Greg Demske—Deputy Inspector General for Legal Affairs.
Gloria Jarmon—Deputy Inspector General for Audit Services.
Kay Daly—Assistant Inspector General for Financial Management—Regional Operations.
Brian Ritchie—Assistant Inspector General for Healthcare Audits.

Department of Homeland Security

Phone Number: (202) 254–4100.
CIGIE Liaison—Erica Paulson (202) 254–0938.
Carlton I. Mann—Chief Operating Officer.
Russell Barbee—Assistant Inspector General for Management.
John Dupuy—Assistant Inspector General for Investigations.
D. Michael Beard—Assistant Inspector General for Integrity and Quality Oversight.
John Kelly—Assistant Inspector General for Emergency Management Oversight.
Anne L. Richards—Assistant Inspector General for Audits.
Frank W. Deffer—Assistant Inspector General for Information Technology Audits.
Mark Bell—Deputy Assistant Inspector General for Audits.
John E. McCoy II—Deputy Assistant Inspector General for Audits.
Louise M. McGlathery—Deputy Assistant Inspector General for Management.
James P. Gaughran—Deputy Assistant Inspector General for Emergency Management Oversight.
Wayne H. Salzgaber—Deputy Assistant Inspector General for Inspections.

Department of Housing and Urban Development

Phone Number: (202) 708–0430.
CIGIE Liaison—Holley Miller (202) 402–2741.
Lester Davis—Deputy Assistant Inspector General for Investigations.
Joe Clarke—Deputy Assistant Inspector General for Investigations.
Randy McGinnis—Assistant Inspector General for Audit.
Frank Rokosz—Deputy Assistant Inspector General for Audit.
Eddie Saffarinia—Assistant Inspector General for Management and Technology.

Department of the Interior

Phone Number: (202) 208–5745.
CIGIE Liaison—Joann Gauzza (202) 208–5745.
Stephen Hardgrove—Chief of Staff.
Kimberly Elmore—Assistant Inspector General for Audits, Inspections and Evaluations.
Robert Knox—Assistant Inspector General for Investigations.
Bruce Delaplaine—General Counsel.
Roderick Anderson—Assistant Inspector General for Management.

Department of Justice

Phone Number: (202) 514–3435.
CIGIE Liaison—Jay Lerner (202) 514–3435.
Cynthia Schnedar—Deputy Inspector General.
William M. Blier—General Counsel.
Raymond J. Beaudet—Assistant Inspector General for Audit.
Carol F. Ochoa—Assistant Inspector General for Oversight and Review.
Gregory T. Peters—Assistant Inspector General for Management and Planning.
George L. Dorsett—Assistant Inspector General for Investigations.

Department of Labor

Phone Number: (202) 693–5100.
CIGIE Liaison—Christopher Seagle (202) 693–5231.
Elliot P. Lewis—Assistant Inspector General for Audit.
Debra D. Pettitt—Deputy Assistant Inspector General for Audit.
Nancy F. Ruiz de Gamboa—Assistant Inspector General for Management and Policy.
Richard S. Clark II—Deputy Assistant Inspector General for Labor Racketeering.
Asa (Gene) Cunningham—Assistant Inspector General for Inspections and Special Investigations.

National Aeronautics and Space Administration

Phone Number: (202) 358–1230.
CIGIE Liaison—Renee Juhans (202) 358–1712.
Gail Robinson—Deputy Inspector General.
Frank LaRocca—Counsel to the Inspector General.
Kevin Winters—Assistant Inspector General for Investigations.
James Morrison—Assistant Inspector General for Audits.
Hugh Hurwitz—Assistant Inspector General for Management and Planning.

National Endowment for the Arts

Phone Number: (202) 682–5774.
CIGIE Liaison—Tonie Jones (202) 682–5402.
Tonie Jones—Inspector General.

National Science Foundation

Phone Number: (703) 292–7100.
CIGIE Liaison—Susan Carnohan (703) 292–5011 and Maury Pully (703) 292–5059.
Allison C. Lerner—Inspector General.
Brett M. Baker—Assistant Inspector General for Audit.
Alan Boehm—Assistant Inspector General for Investigations.
Kenneth Chason—Counsel to the Inspector General.

Nuclear Regulatory Commission

Phone Number: (301) 415–5930.
CIGIE Liaison—Deborah S. Huber (301) 415–5930.
David C. Lee—Deputy Inspector General.
Stephen D. Dingbaum—Assistant Inspector General for Audits.
Joseph A. McMillan—Assistant Inspector General for Investigations.

Office of Personnel Management

Phone Number: (202) 606–1200.

CIGIE Liaison—Joyce D. Price (202) 606–2156.
Norbert E. Vint—Deputy Inspector General.
Terri Fazio—Assistant Inspector General for Management.
Michael R. Esser—Assistant Inspector General for Audits.
Michelle B. Schmitz—Assistant Inspector General for Investigations.
J. David Cope—Assistant Inspector General for Legal Affairs.
Kimberly A. Howell—Deputy Assistant Inspector General for Investigations.
Melissa D. Brown—Deputy Assistant Inspector General for Audits.
Lewis F. Parker—Deputy Assistant Inspector General for Audits.
Jeffrey E. Cole—Senior Advisor to the Assistant Inspector General for Audits.

Peace Corps

Phone Number: (202) 692–2900.
CIGIE Liaison—Joaquin Ferrao (202) 692–2921.
Kathy Buller—Inspector General (Foreign Service).

United States Postal Service

Phone Number: (703) 248–2100.
CIGIE Liaison—Agapi Doulaveris (703) 248–2286.
Elizabeth Martin—General Counsel.
Gladis Griffith—Deputy General Counsel.
David Sidransky—Chief, Computer Crimes.
Mark Duda—Deputy Assistant Inspector General for Audits—Support Operations.
Larry Koskinen—Chief Technology Officer.

Railroad Retirement Board

Phone Number: (312) 751–4690.
CIGIE Liaison—Jill Roellig (312) 751–4993.
Patricia A. Marshall—Counsel to the Inspector General.
Diana Kruel—Assistant Inspector General for Audit.
Louis Rossignuolo—Assistant Inspector General for Investigations.

Small Business Administration

Phone Number: (202) 205–6586.
CIGIE Liaison—Robert F. Fisher (202) 205–6583 and Sheldon R. Shoemaker (202) 205–0080.
Robert A. Westbrooks—Deputy Inspector General.
Glenn P. Harris—Counsel to the Inspector General.
John K. Needham—Assistant Inspector General for Auditing.
Daniel J. O'Rourke—Assistant Inspector General for Investigations.
Robert F. Fisher—Assistant Inspector General for Management and Policy.

Social Security Administration

Phone Number: (410) 966–8385.
CIGIE Liaison—Kristin Klima (202) 358–6319.
Rona Lawson—Deputy Assistant Inspector General for Audit.
B. Chad Bungard—Counsel to the Inspector General.
Steve Mason—Deputy Assistant Inspector General for Investigations.
Michael Robinson—Assistant Inspector General for Technology and Resource Management.

Special Inspector General for Troubled Asset Relief Program

Phone Number: (202) 622–2658.
CIGIE Liaison—(202) 622–2658.
Peggy Ellen—Deputy Special Inspector General.
Scott Rebein—Deputy Special Inspector General, Investigations.
Roderick Fillinger– General Counsel.
Cathy Alix—Deputy Special Inspector General, Operations.
Mia Levine—Deputy Special Inspector General, Reporting Office.

Department of State and the Broadcasting Board of Governors

Phone Number: (202) 663–0361.
CIGIE Liaison—Charles ''Dean'' McCoy (703) 284–1828.
Erich O. Hart—General Counsel.
Robert B. Peterson—Assistant Inspector General for Inspections.
Anna Gershman—Assistant Inspector General for Investigations.
Norman P. Brown—Acting Inspector General for Audits.
Carol N. Gorman—Deputy Assistant Inspector General for Middle East Regional Office.

Department of Transportation

Phone Number: (202) 366–1959.
CIGIE Liaison—Nathan P. Richmond (202) 366–1959.
Calvin L. Scovel III—Inspector General.
Ann M. Calvaressi Barr—Deputy Inspector General.
Brian A. Dettelbach—Assistant Inspector General for Legal, Legislative, and External Affairs.
Susan L. Dailey—Assistant Inspector General for Administration.
Timothy M. Barry—Principal Assistant Inspector General for Investigations.
Lou E. Dixon—Principal Assistant Inspector General for Auditing and Evaluation.
Jeffrey B. Guzzetti—Assistant Inspector for Aviation Audits.
Matthew E. Hampton—Deputy Assistant Inspector General for Aviation Audits.
Louis King—Assistant Inspector General for Financial and Information Technology Audits.
Joseph W. Comé—Assistant Inspector General for Highway and Transit Audits.
Thomas Yatsco—Deputy Assistant Inspector General for Highway and Transit Audits.
Mitchell L. Behm—Assistant Inspector General for Rail, Maritime and Hazmat Transport Audits, and Economic Analysis.
Mary Kay Langan-Feirson—Assistant Inspector General for Acquisition and Procurement Audits.

Department of the Treasury

Phone Number: (202) 622–1090.
CIGIE Liaison—Tricia Hollis (202) 927–5835.
Richard K. Delmar—Counsel to the Inspector General.
Debra Ritt—Special Deputy IG for Small Business Lending Fund Program Oversight.
Tricia Hollis—Assistant Inspector General for Management.
Marla A. Freedman—Assistant Inspector General for Audit.
Robert A. Taylor—Deputy Assistant Inspector General for Audit (Program Audits).

Treasury Inspector General for Tax Administration/Department of the Treasury

Phone Number: (202) 622–6500.
CIGIE Liaison— Mathew Sutphen (202) 622–6500.
Michael A Phillips—Acting Principal Deputy Inspector General.
Michael McKenney—Acting Deputy Inspector General for Audit.
Michael Delgado—Assistant Inspector General for Investigations.
Alan Duncan—Assistant Inspector General for Audit (Security & Information Technology Services).
David Holmgren—Deputy Inspector General for Inspections and Evaluations.
Timothy Camus—Deputy Inspector General for Investigations.
Margaret Begg—Acting Associate Inspector General for Mission Support.
Nancy Nakamura—Assistant Inspector General for Audit (Management Planning and Workforce Development).
Greg Kutz—Assistant Inspector General for Audit (Management Services & Exempt Organizations).
Randy Silvis—Deputy Assistant Inspector General for Investigations.
Gladys Hernandez—Deputy Chief Counsel.
Michael McCarthy—Chief Counsel.
George Jakabcin—Chief Information Officer.

Department of Veterans Affairs

Phone Number: (202) 461–4720.

CIGIE Liaison—Joanne Moffett (202) 461–4720.

Maureen Regan—Counselor to the Inspector General.

James O'Neill—Assistant Inspector General for Investigations.

Joseph Vallowe—Deputy Assistant Inspector General for Investigations (HQs Operations).

Linda Halliday—Assistant Inspector General for Audits and Evaluations.

Sondra McCauley—Deputy Assistant Inspector General for Audits and Evaluations (HQs Management and Inspections).

Dana Moore—Assistant Inspector General for Management and Administration.

John Daigh—Assistant Inspector General for Healthcare Inspections.

Patricia Christ—Deputy Assistant Inspector General for Healthcare Inspections.

Dated: August 20, 2013.

Mark D. Jones,

Executive Director.

[FR Doc. 2013–20661 Filed 8–22–13; 8:45 am]

BILLING CODE 6820–C9–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Performance Review Board

AGENCY: Office of the Secretary of Defense (OSD), DoD.

ACTION: Notice of board membership.

SUMMARY: This notice announces the appointment of the Department of Defense, Fourth Estate, Performance Review Board (PRB) members, to include the Joint Staff, Defense Field Activities, the U.S Court of Appeals for the Armed Forces and the following Defense Agencies: Defense Advance Research Projects Agency, Defense Commissary Agency, Defense Contract Audit Agency, Defense Contract Management Agency, Defense Finance and Accounting Service, Defense Information Systems Agency, Defense Legal Services Agency, Defense Logistics Agency, Defense Security Cooperation Agency, Defense Threat Reduction Agency, Missile Defense Agency, and Pentagon Force Protection Agency. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The PRB shall provide fair and impartial review of Senior Executive Service and Senior Professional performance appraisals and make recommendations regarding performance ratings and performance awards to the Deputy Secretary of Defense.

DATES: *Effective Date:* August 7, 2013.

FOR FUTHER INFORMATION CONTACT: Michael L. Watson, Assistant Director for Executive and Political Personnel, Washington Headquarters Services, Office of the Secretary of Defense, (703) 693–8373.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the Office of the Secretary of Defense PRB with specific PRB panel assignments being made from this group. Executives listed will serve a one-year renewable term, effective August 7, 2013.

Office of the Secretary of Defense

Chairperson

Alan Shaffer.

PRB Panel Members	
Aldwell, Anthony	McGrath, Elizabeth
Baker, James	McKenzie, Donald
Baker, Timothy	Middleton, Allen
Bennett, David	Mitchell, Pamela
Bliss, Gary	Morgan, Andrew
Breckenridge, Mark	Morgan, Nancy
DeSimone, Laura	O'Donnell, William
DiGiovanni, Frank	Patrick, Paul
Genaille, Richard	Peters, Thomas
Gonzalez, Jose	Poleo, Joseph
Haendel, Dan	Reheuser, Michael
Hollis, Caryn	Richardson, Sandra
Janicki Jr, Frederick	Rivera, Alfred
Knight, Edna	Rockey, Maryann
Knodell, James	Sayre, Richard
Koffsky, Paul	Schleien, Steven
Kosak, Charles	Stack, Alisa
Kozemchak, Paul	Teeple, Brian
Loverro, Douglas	Wilczynski, Brian
Maenle, Nathan	Zakriski, Jennifer
McDermott, David	

Dated: August 20, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–20596 Filed 8–22–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0183]

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Defense Logistics Agency is proposing to amend a system of records in its 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 September 23, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before September 23, 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. Kathy Dixon, DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221, or by phone at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's system of record subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The proposed changes to the record system being amended are set forth in this notice. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: August 20, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S125.10

SYSTEM NAME:

Chaplain Care and Counseling Record (July 6, 2011, 76 FR 39389).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Chaplain Counseling Care Files.''

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with ''Records are destroyed when no longer needed.''

* * * * *

[FR Doc. 2013–20582 Filed 8–22–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0182]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Defense Finance and Accounting Service is amending a system of records notice, T7335b, entitled ''Business Management Redesign (E–BIZ)'' in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This system will integrate resource, accounting, financial and other business functions into a comprehensive management information planning system.

DATES: This proposed action will be effective on September 23, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before September 23, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Outlaw, (317) 510–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/privacy/SORNs/component/dfas/index.html.* The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: August 19, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7335b

SYSTEM NAME:

Electronic Business-Labor and Accounting Report (E–BIZ) Records (November 12, 2008, 73 FR 66859)

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Business Management Redesign (E–BIZ).''

SYSTEM LOCATION:

Delete entry and replace with ''Defense Enterprise Computing Center (DECC), 5450 Carlisle Pike, Bldg 308 NE., Mechanicsburg, PA 17050–0975.''

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address for reply, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address for reply, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

* * * * *

[FR Doc. 2013–20564 Filed 8–22–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID USN–2013–0033]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Navy proposes to alter the system of records, NM06150–6, Medical Readiness Reporting System (MRRS), in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This system tracks medical readiness to ensure individuals are medically eligible to be deployed.

DATES: This proposed action will be effective on September 23, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before September 23, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson, Head, PA/FOIA Office (DNS–36), Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350–2000, or by phone at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Web site at *http://dpclo.defense.gov/privacy/SORNs/component/navy/index.html.* The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on July 29, 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: August 19, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NM06150–6

SYSTEM NAME:

Medical Readiness Reporting System (MRRS) (January 28, 2013, 78 FR 5792).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Active Duty and Reserve Air Force, Army, Coast Guard, Marine Corps and Navy Personnel.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; BUMED Note 6110, Tracking and Reporting Individual Medical Readiness Data; SECNAVINST 6120.3, Secretary of the Navy Periodic Health Assessment for Individual Medical Readiness; Pub. L. 108–735, Section 731 Ronald Reagan National Defense Authorization Act, 10 U.S.C. 136(d), Under Secretary of Defense for Personnel; 10 U.S.C. 671, Members not to be assigned outside United States before completing training; DoD 6025.18–R, DoD Health Information Privacy Regulation; and E.O. 9397 (SSN), as amended.''

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses that appear at the beginning of the Navy's compilation of system of record notices may apply to this system.

Note: This system of records contains Individually Identifiable Health Information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025–18–R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''For Air Force: MODS Technical Manager PMD/USAMITC 2720 Howitzer, Bldg 2372, Fort Sam Houston, TX 78234–5013.

For Army: DASG-Human Resources, Defense Health Headquarters, Falls Church, VA 22042–5140.

For Coast Guard: United States Coast Guard (USGC), Headquarters (CG–912), 2100 2nd Street SW., Suite 1100, Washington, DC 20593–0001.

For Marine Corps: Headquarters U.S. Marine Corps, PPO, PLN (National Plans Branch), 3000 Marine Corps Pentagon, Washington, DC 20350–3000.

For Navy: Commander, Navy Personnel Command (PERS–455), 5720 Integrity Drive, Millington, TN 38055–0455.''

* * * * *

[FR Doc. 2013–20548 Filed 8–22–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0111]

Agency Information Collection Activities; Comment Request; Student Assistance General Provisions—Subpart K—Cash Management

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 22, 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–0111 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Kate Mullan, 202–401–0563 or 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: Student Assistance General Provisions—Subpart K—Cash Management.

OMB Control Number: 1845–0049.

Type of Review: Revision of an existing information collection.

Respondents/Affected Public: Private Sector, Individuals or households, State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 308,445.

Total Estimated Number of Annual Burden Hours: 29,516.

Abstract: This is a request for the revision of the information collection for the regulations that govern the application for and approval by the Secretary of assessments by a private test publisher or State that are used to measure a student's skills and abilities to determine eligibility for assistance through the Title IV student financial assistance programs authorized under the Higher Education Act of 1965, as amended, when a student does not have a high school diploma or its recognized equivalent. As of July 1, 2012, the new law eliminated all but the completion of a homeschool program as an eligibility alternative previously available. Due to these changes, there is a decreasing pool of student applicants who would be eligible to take a Department approved ability to benefit exam to determine Title IV student aid eligibility.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–20587 Filed 8–22–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13948–002]

Public Utility District No. 1 of Snohomish County; Notice of Application Tendered for Filing with the Commission and Soliciting Additional Study Requests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Unconstructed Major Project.

b. *Project No.:* 13948–002.

c. *Date filed:* August 1, 2013.

d. *Applicant:* Public Utility District No. 1 of Snohomish County.

e. *Name of Project:* Calligan Creek Hydroelectric Project.

f. *Location:* On the Calligan Creek, near the Town of North Bend, King County, Washington. The proposed project would not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Kim D. Moore, P.E., Assistant General Manager of Generation, Water and Corporate Services; Public Utility District No. 1 of Snohomish County, 2320 California Street, P.O. Box 1107, Everett, WA 98206–1107; (425) 783–8606; *KDMoore@snopud.com*

i. *FERC Contact:* Kelly Wolcott; (202) 502–6480; *Kelly.wolcott@ferc.gov*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: September 30, 2013.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC. 20426. The first page of any filing should include docket number P–13948–002.

m. The application is not ready for environmental analysis at this time.

n. The Calligan Creek Hydroelectric Project would consist of the following new facilities: (1) An approximately 110-foot-long, 14-foot-high diversion with a 45-foot-long, 8-foot-high spillway; (2) a 1.04-acre-foot impoundment; (3) a 200-square-foot fish screen with 0.125-inch-wide openings; (4) a 1.20-mile-long, 41-inch-diameter penstock; (5) a powerhouse containing a single 6-megawatt two-jet horizontal-shaft Pelton turbine/generator; (6) a 135-foot-long rip-rap-lined tailrace channel discharging into Calligan Creek; (7) 300 feet of access roads in addition to existing logging roads; (8) a 2.5-mile-long, 34.5-kilovolt buried transmission line connecting to the existing Black Creek Hydroelectric Project (P–6221) switching vault; and (9) appurtenant facilities. The project is estimated to provide 20.7 gigawatt-hours annually. No federal lands are included in the project.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Washington State Historic Preservation Officer (SHPO), as required by section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. *Procedural schedule:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Acceptance or Deficiency Letter (if needed)—October 2013

Request for Additional Information—October 2013

Issue Notice and Letter of Acceptance—December 2013

Issue Scoping Document 1 for comments—January 2014
Comments on Scoping Document 1—March 2014
Issue Scoping Document 2—April 2014
Issue notice of ready for environmental analysis—April 2014
Commission issues draft EA—October 2014
Comments on draft EA—November 2014
Commission issues final EA—January 2015

Dated: August 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–20603 Filed 8–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13994–002]

Public Utility District No. 1 of Snohomish County; Notice of Application Tendered For Filing With the Commission and Soliciting Additional Study Requests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Unconstructed Major Project.

b. *Project No.:* 13994–002.

c. *Date filed:* August 1, 2013.

d. *Applicant:* Public Utility District No. 1 of Snohomish County.

e. *Name of Project:* Hancock Creek Hydroelectric Project.

f. *Location:* On the Hancock Creek, near the Town of North Bend, King County, Washington. The proposed project would not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Kim D. Moore, P.E., Assistant General Manager of Generation, Water and Corporate Services; Public Utility District No. 1 of Snohomish County, 2320 California Street, P.O. Box 1107, Everett, WA 98206–1107; (425) 783–8606; *KDMoore@snopud.com*.

i. *FERC Contact:* Kelly Wolcott; (202) 502–6480; *Kelly.wolcott@ferc.gov*.

j. Cooperating agencies: Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* September 30, 2013.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC. 20426. The first page of any filing should include docket number P–13994–002.

m. The application is not ready for environmental analysis at this time.

n. The Hancock Creek Hydroelectric Project will consist of the following new facilities: (1) An approximately 100-foot-long, 12-foot-high diversion with a 45-foot-long, 6-foot-high spillway; (2) a 0.85-acre-foot impoundment; (3) a 200-square-foot fish screen with 0.125-inch-wide openings; (4) a 1.48-mile-long, 40-inch-diameter penstock; (5) a powerhouse containing a single 6-megawatt two-jet horizontal-shaft Pelton turbine generator; (6) a 12-foot-wide, approximately 100-foot-long rip-rap-lined tailrace channel discharging into Hancock Creek; (7) 1,200 feet of access roads in addition to existing logging roads; (8) a 0.3-mile-long, 34.5-kilovolt (kV) buried transmission line connecting to the existing Black Creek Hydroelectric Project (P–6221) switching vault; and (9) appurtenant facilities. The project is estimated to provide 21.9 gigawatt-hours annually. No federal lands are included in the project.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Washington State Historic Preservation Officer (SHPO), as required by section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. *Procedural schedule:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Acceptance or Deficiency Letter (if needed)—October 2013
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Issue Scoping Document 1 for comments—January 2014
Comments on Scoping Document 1—March 2014
Issue Scoping Document 2—April 2014
Issue notice of ready for environmental analysis—April 2014
Commission issues draft EA—October 2014
Comments on draft EA—November 2014
Commission issues final EA—January 2015

Dated: August 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–20605 Filed 8–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–1248–000.

Applicants: Midwestern Gas Transmission Company.

Description: FPAL Service Activity Report of Midwestern Gas Transmission Company.
Filed Date: 8/14/13.
Accession Number: 20130814–5173.
Comments Due: 5 p.m. ET 8/26/13.

Docket Numbers: RP13–1249–000.
Applicants: National Fuel Gas Supply Corporation.
Description: Cancellation of Rate Schedule X–51 to be effective 1/15/2013.
Filed Date: 8/15/13.
Accession Number: 20130815–5024.
Comments Due: 5 p.m. ET 8/27/13.

Docket Numbers: RP13–1250–000.
Applicants: Carolina Gas Transmission Corporation.
Description: Carolina Gas Transmission Corporation submits its annual Penalty Revenue Crediting Report to inform the Commission of penalty revenues CGT will credit on invoices for August service for the period of June 1, 2012—May 31, 2013.
Filed Date: 8/15/13.
Accession Number: 20130815–5119.
Comments Due: 5 p.m. ET 8/27/13.

Docket Numbers: RP13–1251–000.
Applicants: Direct Energy Business, LLC, Hess Corporation, Hess Energy Marketing, LLC.
Description: Application of Direct Energy Business, LLC et al. for temporary waivers of capacity release regulations and related pipeline tariff provisions.
Filed Date: 8/15/13.
Accession Number: 20130815–5169.
Comments Due: 5 p.m. ET 8/27/13

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP13–556–003.
Applicants: Gulf Shore Energy Partners, LP.
Description: Gulf Shore Energy Partners, LP—Compliance Filing Required by Rehearing Order to be effective 8/15/2013.
Filed Date: 8/15/13.
Accession Number: 20130815–5094.
Comments Due: 5 p.m. ET 8/27/13.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 16, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–20595 Filed 8–22–13; 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: EC13–135–000
Applicants: Direct Energy Business, LLC, Hess Corporation, Hess Energy Marketing, LLC, Hess Small Business Services LLC
Description: Application for Authorization under Section 203 of the FPA of Direct Energy Business, LLC, et al.
Filed Date: 8/15/13
Accession Number: 20130815–5167
Comments Due: 5 p.m. ET 9/5/13

Docket Numbers: EC13–136–000
Applicants: CPV Sentinel, LLC, EFS Sentinel Holdings, LLC, Aircraft Services Corporation, Voltage Finance LLC
Description: Joint Application for Authorization of Disposition of Facilities under Section 203 of the Federal Power Act and Request for Confidential Treatment, Expedited Consideration and Waivers of CPV Sentinel, LLC, et al.
Filed Date: 8/15/13
Accession Number: 20130815–5170
Comments Due: 5 p.m. ET 9/5/13

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG13–52–000
Applicants: Goal Line L.P.
Description: Self-Certification of EWG Status of Goal Line L.P.
Filed Date: 8/16/13
Accession Number: 20130816–5033
Comments Due: 5 p.m. ET 9/6/13

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–764–003
Applicants: CED White River Solar, LLC
Description: CED White River Solar, LLC submits Revised Market Based Rate Tariff to be effective 10/16/2013.
Filed Date: 8/16/13
Accession Number: 20130816–5069
Comments Due: 5 p.m. ET 9/6/13

Docket Numbers: ER13–1210–000
Applicants: Westar Generating, Inc.
Description: Supplemental Filing, Purchase Power Agreement with Westar Energy, Inc. to be effective N/A.
Filed Date: 8/16/13
Accession Number: 20130816–5066
Comments Due: 5 p.m. ET 9/6/13

Docket Numbers: ER13–2164–000
Applicants: Southwest Power Pool, Inc.
Description: AG Study Backlog Clearing Process Tariff Revisions to be effective 10/12/2013.
Filed Date: 8/15/13
Accession Number: 20130815–5136
Comments Due: 5 p.m. ET 9/5/13

Docket Numbers: ER13–2165–000
Applicants: PacifiCorp
Description: Salt River Project MOU to be effective 10/15/2013.
Filed Date: 8/15/13
Accession Number: 20130815–5148
Comments Due: 5 p.m. ET 9/5/13

Docket Numbers: ER13–2166–000
Applicants: PJM Interconnection, L.L.C.
Description: Original Service Agreement No. 3610; Queue No. V3–017/X4–006 to be effective 7/16/2013.
Filed Date: 8/15/13
Accession Number: 20130815–5163
Comments Due: 5 p.m. ET 9/5/13

Docket Numbers: ER13–2167–000
Applicants: PJM Interconnection, L.L.C.
Description: Queue No. W2–014; First Revised Service Agreement No. 2797 to be effective 7/17/2013.
Filed Date: 8/15/13
Accession Number: 20130815–5164
Comments Due: 5 p.m. ET 9/5/13

Docket Numbers: ER13–2168–000
Applicants: Southern California Edison Company
Description: Notice of Cancellation of Interim Black Start Agreement (RS No. 405) of Southern California Edison Company.
Filed Date: 8/16/13
Accession Number: 20130816–5022
Comments Due: 5 p.m. ET 9/6/13

Docket Numbers: ER13–2169–000
Applicants: Goal Line L.P.
Description: Goal Line L.P. Initial Market-Based Rate Tariff to be effective 10/15/2013.
Filed Date: 8/16/13

Accession Number: 20130816–5068

Comments Due: 5 p.m. ET 9/6/13

Docket Numbers: ER13–2170–000

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits 2041R2 Kansas City Board of Public Utilities PTP Agreement to be effective 8/1/2013.

Filed Date: 8/16/13

Accession Number: 20130816–5070

Comments Due: 5 p.m. ET 9/6/13

Docket Numbers: ER13–2171–000

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits 2462 Twin Eagle/Sunflower Meter Agent Agreement Cancellation to be effective 8/1/2013.

Filed Date: 8/16/13

Accession Number: 20130816–5071

Comments Due: 5 p.m. ET 9/6/13

Docket Numbers: ER13–2172–000

Applicants: Public Service Company of New Mexico

Description: Public Service Company of New Mexico submits Old Laguna Tap Construction Agreement to be effective 7/22/2013.

Filed Date: 8/16/13

Accession Number: 20130816–5072

Comments Due: 5 p.m. ET 9/6/13

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: August 16, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–20581 Filed 8–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: CP13–532–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Abbreviated Application of Public Convenience and Necessity and Authorization to Abandon Firm Capacity.
Filed Date: 8/13/13.
Accession Number: 20130813–5066.
Comments Due: 5 p.m. ET 8/26/13.

Docket Numbers: RP13–1246–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Negotiated Rates—Northeast Supply Link Expansion (Interim) to be effective 8/19/2013.
Filed Date: 8/14/13.
Accession Number: 20130814–5030.
Comments Due: 5 p.m. ET 8/26/13.

Docket Numbers: RP13–1247–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: Non-Conforming Amendment Filing to be effective 9/14/2013.
Filed Date: 8/14/13.
Accession Number: 20130814–5043.
Comments Due: 5 p.m. ET 8/26/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 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: August 15, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–20594 Filed 8–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

	Docket Nos.
Dominion Bridgeport Fuel Cell, LLC	EG13–31–000
Arlington Valley Solar Energy II, LLC	EG13–32–000
Solar Star California XIX, LLC	EG13–33–000
Solar Star California XX, LLC	EG13–34–000
Cabrillo Power I LLC	EG13–35–000
Catalina Solar Lessee, LLC	EG13–36–000
Ituiutaba Bioenergia Ltda.	FC13–8–000
Central Itumbiara de Bioenergia e Alimentos S.A.	FC13–9–000

Take notice that during the month of July 2013, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: August 19, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–20604 Filed 8–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL13–85–000]

Big Rivers Electric Corporation; Notice of Filing

Take notice that on August 16, 2013, Big Rivers Electric Corporation filed its proposed revenue requirements for reactive supply service under Midcontinent Independent Systems Operator, Inc. Tariff Schedule 2.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to

serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 6, 2013.

Dated: August 19, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–20602 Filed 8–22–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR13–30–000]

Sunoco Pipeline LP; Notice of Petition for Declaratory Order

Take notice that on August 15, 2013, pursuant to Rule 207(a)(2) of the Commission's Rules of Practices and Procedure, 18 CFR 385.207(a)(2)(2013), Sunoco Pipeline LP (SPLP) filed a petition requesting a declaratory order approving priority service and the overall tariff and rate structure for the proposed Mariner South Pipeline Project. SPLP respectfully requests that the Commission act on this petition by no later than November 1, 2013, so that this new transportation alternative serving the Gulf Coast area can be completed as quickly as possible, as more fully described in their petition.

Any person desiring to intervene or to protest in this proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 19, 2013.

Dated: August 19, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–20580 Filed 8–22–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9010–7]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/*

Weekly receipt of Environmental Impact Statements

Filed 08/12/2013 Through 08/16/2013

Pursuant to 40 CFR 1506.9.

Notice:

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html*

EIS No. 20130244, Draft EIS, USFWS, CA, South Farallon Islands Invasive House Mouse Eradication Project, Farallon National Wildlife Refuge, Comment Period Ends: 09/30/2013, Contact: Gerry McChesney 510–792–0222, ext. 222. This document was inadvertently omitted from the FR Notice published 8/16/2013. The Comment Period will end 09/30/2013.

EIS No. 20130245, Final EIS, BR, CO, Arkansas Valley Conduit and Long-Term Excess Capacity Master Contract, Review Period Ends: 09/23/2013, Contact: J. Signe Snortland 701–221–1278.

EIS No. 20130246, Draft EIS, USFS, NV, Greater Sage Grouse Bi-State Distinct Population Segment Forest Plan Amendment, Comment Period Ends: 11/20/2013, Contact: James Winfrey 775–355–5308.

EIS No. 20130247, Final EIS, FHWA, LA, Interstate 69 Segment of Independent Utility 15, US 171 to I–20, Review Period Ends: 10/07/2013, Contact: Carl M. Highsmith 225–757–7615.

EIS No. 20130248, Final EIS, USDA, NC, ADOPTION—North Topsail Beach Shoreline Protection Project, Review Period Ends: 09/23/2013, Contact: Frank Mancino 202–720–1827. The U.S. Department of Agriculture's Rural Housing Service has adopted the U.S. Army Corps of Engineers FEIS #20100025, filed 01/26/2010 with the USEPA. The Rural Housing Service was not a cooperating agency to this project. Recirculation of the document is necessary under Section 1506.3(b) of the Council on Environmental Quality Regulations.

EIS No. 20130249, Draft EIS, USACE, LA, West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction, Comment Period Ends: 10/07/2013, Contact: William Klein 504–862–2540.

Amended Notices

EIS No. 20130237, Final EIS, NMFS, NJ, FEIS Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan, Review Period Ends: 09/16/2013, Contact: Aja Szumylo 978–281–9195.

Revision to FR Notice Published 08/16/2013; Correction to Review Period Ends: Change from 10/14/2013 to 09/16/2013.

Dated: August 20, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–20647 Filed 8–22–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2012–0725; FRL–9397–4]

Dichloromethane and N-Methylpyrrolidone TSCA Chemical Risk Assessment; Notice of Public Meetings and Opportunity to Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's contractor, The Scientific Consulting Group (SCG), Inc., has identified a panel of scientific experts to conduct a peer review of EPA's draft Toxic Substances Control Act (TSCA) chemical risk assessment, ''TSCA Workplan Chemical Risk Assessment for Dichloromethane and N-Methylpyrrolidone.'' EPA will hold three peer review meetings by web connect and teleconference. EPA invites the public to register to attend the meetings as observers and/or speakers providing oral comments during any or all of the peer review meetings as discussed in this notice. The public may also provide comment on whether they believe the appearance of conflict of interest exists for any proposed peer review panel expert.

DATES: *Meetings.* The peer review meetings will be held on Thursday, September 26, 2013, from 1 p.m. to 4 p.m. e.d.t.; Tuesday, October 15, 2013, from 10 a.m. to 6 p.m., e.d.t.; and Tuesday, November 12, 2013, from 1 p.m. to 4 p.m., e.d.t.

Conflict of interest comments. Comments on the appearance of a conflict of interest for any proposed peer review panel expert must be submitted on or before September 13, 2013.

Comments. Written comments on the assessment must be submitted on or before October 22, 2013, to be sure they are contained in the peer review record and are available to the peer reviewers.

Registration for meetings: To participate in any of the public peer review meetings, you must register no later than 11:59 p.m., EDT, on September 23, 2013.

ADDRESSES: *Meetings.* Meetings will be held via web connect and teleconferencing. See Unit III.C. in **SUPPLEMENTARY INFORMATION**.

Registration. See Unit III. in **SUPPLEMENTARY INFORMATION**.

Comments. Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2012–0725, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery:* OPPT Document Control Office (DCO), EPA William Jefferson Clinton Complex East, Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. ATTN: Docket ID Number EPA–HQ–OPPT–2012–0725. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2012–0725. EPA's policy is that all comments received will be included in the docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or email. The regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA William Jefferson Clinton Complex West, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Stan Barone, Jr., Risk Assessment Division (7403M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number (202) 564–1169; email address: *barone.stan@epa.gov.*

For peer review meeting logistics or registration contact: Susie Warner, Scientific Consulting Group (SCG), Inc., 656 Quince Orchard Rd., Suite 210, Gaithersburg, MD 20878–1409; telephone number: (301) 670–4990, ext. 227; fax number: (301) 670–3815; email address: *SWARNER@scgcorp.com.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including those interested in environmental and human health assessment, the chemical

industry, chemical users, consumer product companies, and members of the public interested in the assessment of chemical risks. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

On January 9, 2013, EPA published a notice in the **Federal Register** (78 FR 1856) (FRL–9375–1) on the availability of five draft TSCA chemical risk assessments for public comment. The Agency also asked for nominations for external experts to conduct peer reviews of the draft TSCA risk assessments, including two entitled, ''TSCA Workplan Chemical Risk Assessment for Dichloromethane and N-Methylpyrrolidone.'' Dichloromethane and N-Methylpyrrolidone (DCM and NMP) (CASRN 75–09–2 and 872–50–4) are two of 83 chemicals identified for review and assessment in EPA's TSCA Work Plan, which were released on March 1, 2012, at *http://www.epa.gov/oppt/existingchemicals/pubs/workplans.html.*

This information is distributed solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. It has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency determination or policy.

The draft DCM and NMP TSCA risk assessment is being peer reviewed consistent with guidelines for the peer review of influential scientific information and highly influential scientific assessments. EPA asked a contractor, SCG, to assemble a panel of experts to evaluate the draft DCM and NMP TSCA risk assessment report for specific uses of DCM and NMP. SCG evaluated 38 candidates that were nominated as peer reviewers by the February 8, 2013 deadline established in the January 9, 2013 **Federal Register** notice and evaluated over 100 additional experts before submitting the proposed peer review panel members. The proposed peer review panel was vetted by the contractor for conflict of interest and the appearance of bias according to Agency peer review guidance as detailed in the contract. This proposed peer review panel includes: Gary Ginsberg (chair), Tom Armstrong, Frank Barile, James Bruckner, Anneclaire J. De Roos, Annette Guiseppi-Elie, Ronald Hood, John Kissel, Phillip Lupo, Ernest McConnell, Stephen Pruett, and Pamela Williams.

The biographies are available in the docket (docket ID number EPA–HQ–OPPT–2012–0725). The public may provide comments to the same docket for the draft DCM and NMP TSCA risk assessment on the appearance of a conflict of interest for any proposed peer review panel member. This comment period on the peer review panel membership closes on September 13, 2013. The final list of peer review panel members will be available on the SCG's Web site at *http://www.scgcorp.com.*

The peer review panel is responsible for the review of the scientific and technical merit of the draft DCM and NMP TSCA risk assessment, which is available through *http://www.regulations.gov* and at *http://www.epa.gov/oppt/existingchemicals/pubs/workplans.html.* The peer review panel will not address potential policy implications or risk management options that may result from the draft DCM and NMP TSCA risk assessment. Members of the public may register to attend any or all three meetings as observers and may also register to offer oral comments on each day of the meetings. A registered speaker is encouraged to focus on issues directly relevant to science-based aspects of the draft DCM and NMP TSCA risk assessment.

The first peer review meeting on September 26, 2013, will be dedicated to hearing registered speakers' oral comments on the draft DCM and NMP TSCA risk assessment and reviewing the charge to the peer reviewers. Each speaker is allowed between 3–5 minutes, depending on the number of registered speakers. Given time constraints, a maximum of 30 speakers will be allowed to offer comments. If more than 30 speakers register to provide oral comments, speakers will be selected by SCG in a manner designed to optimize representation from all organizations, affiliations, and present a balance of science issues relevant to the Agency's TSCA risk assessment. Peer review panel members will have access to written comments and materials and electronic materials submitted to the docket by October 22, 2013. Registered observers and speakers will not be allowed to distribute any written comments or materials or electronic materials directly to the peer review panel members. To submit written comments, please follow one of the methods outlined in **ADDRESSES**. The public comment period closes on October 22, 2013.

The second peer review panel meeting on October 15, 2013, will be devoted to deliberations of the draft DCM and NMP TSCA risk assessment by the peer review panel, guided by the charge questions to the peer review panel.

The third and final peer review panel meeting on November 12, 2013, will focus on the peer review panel's discussion of its draft DCM and NMP TSCA risk assessment recommendations to EPA, which will be posted on the contractor Web site prior the final peer review meeting. The final peer review panel report will be prepared by SCG and made available to the public according to the Agency peer review guidance at *http://www.epa.gov/*

peerreview. EPA will consider SCG's peer review panel report of the comments and recommendations from the three peer review meetings, as well as written comments and materials and electronic materials in the docket at *http://www.regulations.gov,* as it proceeds to finalize the DCM and NMP TSCA risk assessment.

If potential risks are indicated in the revised risk assessment following peer review and public comment, the Agency will take the necessary risk reduction efforts as warranted. If no risks are identified in the revised risk assessment following revision in response to peer review, then the Agency may conclude its work on the chemical being assessed.

III. How can I request to participate in these meetings?

A. Registration

To attend the peer review meetings, you must register for the meeting no later than 11:59 p.m., EDT, on September 23, 2013. To register for the meeting, go to *http://www.scgcorp.com/dcm-nmp2013/,* complete the online registration form, and submit the required information. You may also register through the U.S. Postal Service or by overnight/priority mail by sending the necessary registration information (see Unit III.B.) to the SCG Meeting Coordinator, Ms. Susie Warner. The U.S. Postal Service or overnight/priority mail address is: The Scientific Consulting Group, Inc., 656 Quince Orchard Rd., Suite 210, Gaithersburg, MD 20878–1409. For questions or additional information, contact Ms. Warner by: Telephone: (301) 670–4990, ext. 227; fax: (301) 670–3815; or email: *SWARNER@scgcorp.com.* Registrations sent via U.S. Postal Service or overnight/priority mail must be received no later than 11:59 p.m., e.d.t., on September 23, 2013. There will be no on-site registration, so members of the public who do not register by 11:59 p.m., e.d.t., on September 23, 2013, using one of the methods described in this unit, may not receive web access information in time to attend the first peer review meeting.

B. Required Registration Information

Members of the public may register to attend any or all three meetings as observers, or register to speak if planning to offer oral comments during the scheduled public comment session of a meeting. To register for the meetings online or by mail, you must provide your full name, organization or affiliation, and contact information. You must also indicate which meetings you plan to attend and if you would like to speak during the scheduled public comment session of a meeting. If you register to speak, you must also indicate if you have any special requirements related to your oral comments (e.g., translation).

If you indicate that you wish to speak, you will be asked to select one category most closely reflecting the content of your oral comments. These comment categories related to the charge questions are:

1. General comments on the risk assessment document;
2. Comments on the exposure assessment;
3. Comments on the hazard assessment;
4. Comments on the risk characterization; or
5. Other issues.

Should more than 30 speakers register for a single meeting, these categories will be used to ensure that a balance of substantive science issues relevant to the assessment is heard. Additional information on the selection of speakers and speaking times will be sent out by SCG 3 days prior to each peer review meeting to all individuals registered to speak.

To accommodate as many registered speakers as possible, registered speakers may present oral comments only, without visual aids or written material. Peer review panel members will have access to any written comments and materials and electronic materials previously submitted to the docket. Registered observers and speakers will not be allowed to distribute any written comments and materials or electronic materials directly to the peer review panel members.

C. Web Meeting Access

Each peer review meeting will be held via web connect and teleconferencing. SCG will provide all registered participants with information on how to participate in advance of the first peer review meeting.

List of Subjects

Environmental protection, Chemicals, Peer review, Risk assessments, Dichloromethane and N-Methylpyrrolidone.

Dated: August 16, 2013.

Barbara A. Cunningham,

Acting Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2013–20748 Filed 8–22–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 22, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to the Federal Communications Commission via email to *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214 or email *judith-b.herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1092.

Title: Interim Procedures for Filing Applications Seeking Approval for Designated Entity Reportable Eligibility Events and Annual Reports.

Form Numbers: FCC Forms 609–T and 611–T.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for profit institutions; and State, Local and Tribal Governments

Number of Respondents: 1,100 respondents; 2,750 responses.

Estimated Time per Response: .50 hours to 6 hours.

Frequency of Response: On occasion and annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 4(i), 308(b), 309(j)(3) and 309(j)(4).

Total Annual Burden: 7,288 hours.

Total Annual Cost: $1,494,625.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this comment period to obtain the three year clearance from them. There is no change in the reporting requirements.

There is no change in the Commission's burden estimates. FCC Form 609–T is used by Designated Entities (DEs) to request prior Commission approval pursuant to Section 1.2114 of the Commission's rules for any reportable eligibility event. The data collected on the form is used by the FCC to determine whether the public interest would be served by the approval of the reportable eligibility event.

FCC Form 611–T is used by DE licensees to file an annual report, pursuant to Section 1.2110(n) of the Commission's rules, related to eligibility for designated entity benefits.

The information collected will be used to ensure that only legitimate small businesses reap the benefits of the Commission's designated entity program. Further, this information will assist the Commission in preventing companies from circumventing the objectives of the designated entity eligibility rules by allowing us to review: (1) the FCC 609–T applications seeking approval for ''reportable eligibility events'' and (2) the FCC Form 611–T annual reports to ensure that licensees receiving designated entity benefits are in compliance with the Commission's policies and rules.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–20567 Filed 8–22–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 22, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA questions to Judith B. Herman, Federal Communications Commission. To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0819.

Title: Lifeline and Link Up Reform and Modernization, Advancing Broadband Availability Through Digital Literacy Training.

Form Numbers: FCC Forms 497, 481, 550, 555, 560

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households and business or other for-profit.

Number of Respondents and Responses: 41,806,827 respondents; 41,838,290 responses.

Estimated Time per Response: 0.25–250 hours.

Frequency of Response: On occasion, quarterly, biennially, on time, monthly and annual reporting requirements, third party disclosure requirements and recordkeeping requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 1, 4(i), 201–205, 214, 254 and 403 of the Communications Act of 1934, as amended.

Total Annual Burden: 24,184,565 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: The changes proposed in the *2012 Lifeline Reform Order* affects individuals or households, and thus, there are impacts under the Privacy Act. As required by the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Commission will create a system of records notice (SORN) to cover the collection, storage, maintenance, and disposal (when appropriate) of any personally identifiable information that the Commission may collect as part of the information collection. We note that USAC must preserve the confidentiality of all data obtained from respondents and contributors to the universal service support program mechanism, must not use the data except for purposes of administering the universal service support program, and must not disclose data in company-specific form unless

directed to do so by the Commission. If the Commission requests information that the respondents believe is confidential, respondents may request confidential treatment of such information under section 0.459 of the Commission's rules.

Needs and Uses: This collection is being submitted as a revision to a currently approved collection.

In January 2012, the Commission adopted an order reforming and modernizing its Lifeline universal service program. *Lifeline and Link-Up Reform and Modernization; Lifeline and Link-Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training,* WC Docket Nos. 11–42, 03–109, 12–23; CC Docket No. 96–45, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (2012) (''*Lifeline Order''*). In the *Lifeline Order,* the Commission made several modifications to the existing rules regarding designation of Lifeline-only Eligible Telecommunications Carriers (ETCs) to eliminate waste and inefficiency, and to increase accountability in the program.

Specifically, the *Lifeline Order* amended Section 54.416 of the Commission's rules to require ETCs make certain certifications annually, including but not limited to, certifications that the ETC has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services and that the ETC is in compliance with all federal Lifeline certification procedures. *See* 47 CFR 54.416(a)(1)–(2) (2013). ETCs are required to annually provide the results of their re-certification efforts performed pursuant to Section 54.410 to the Commission and the Administrator as well as the number of subscribers de-enrolled for non-usage. *See* 47 CFR 54.405, 54.410, 54.416(b) (2013). These rules help protect the Universal Service Fund from waste, fraud, and abuse by ensuring that ETCs are accountable for their compliance with program rules. ETCs provide these certifications and results on the FCC Form 555, the Annual Lifeline Eligible Telecommunications Carrier Certification Form.

In this submission, the Commission proposes to make administrative revisions to the FCC Form 555 to improve the clarity of the form and instructions. The Commission also proposes to revise FCC Form 555 Section 2 to require ETCs to report the number of subscribers claimed on their February FCC Form 497 for the current FCC Form 555 calendar year that were initially enrolled during that calendar year. Further, we propose to revise Section 3 to require the ETCs to report the percentage of de-enrolled subscribers. Finally, we propose to revise Section 4 to require the ETCs to identify whether they are a ''Pre-Paid ETC'' that is in compliance with Section 54.407. *See* 47 CFR 54.407.

The Commission also proposes revisions to the Broadband Pilot Program. The broadband pilot program is aimed at generating statistically significant data that will allow the Commission, ETCs, and the public to analyze the effectiveness of different approaches to using Lifeline funds to making broadband more affordable for low-income Americans while providing support that is sufficient but not excessive. By Order, on December 19, 2012, the Commission selected 14 projects to participate in the broadband pilot program. Therefore, there is no further need to solicit proposals from respondents for the Broadband Pilot Program. In this submission, the Commission proposes to eliminate the call for Broadband Pilot Program proposals, which was included in the previous revision. The Commission also proposes revisions to FCC Form 550—Low Income Broadband Reimbursement Form and FCC Form 560—Low Income Broadband Pilot Program Reporting Form). In the previous revision, the Commission estimated the number of respondents for the FCC Forms 550 and 560 because the pilot program participants had not been selected at that time. The Commission proposes revised calculations for the burden hours associated with the FCC Forms 550 and 560 based on the actual number of pilot program participants.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–20565 Filed 8–22–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 22, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, FCC, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1060.

Title: Wireless E911 Coordination Initiative Letter to State 911 Coordinators.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: State, local and tribal government.

Number of Respondents: 50 respondents; 50 responses.

Estimated Time per Response: .75 hours.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Voluntary. Statutory authority for this information

collection is contained in 47 U.S.C. sections 1 and 4(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 38 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: There are no questions of a confidential nature.

Needs and Uses: The Commission will be submitting this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the public reporting requirement).

The Commission has compiled and maintains a database of Public Safety Answering Points (PSAPs) throughout the nation as part of its efforts to support implementation of E911 across the nation. The information sought in this information collection is needed to enable the FCC to ensure that commercial service providers have an accurate inventory of E911 PSAPs.

In order to populate the database with accurate information, the Commission periodically sends out letters to state officials requesting specific data:

(1) The number and location of the PSAP;

(2) The contact information for each PSAP;

(3) An assessment of each PSAPs state of readiness to accept wireless E911 location information; and

(4) A statement of whether each PSAP has requested Phase I and/or Phase II E911 service.

The Commission's Public Safety and Homeland Security Bureau seeks the information to verify the accuracy of the information in the PSAP database by obtaining information for data elements that it has recently found to be missing or to have been accurately include in the initial PSAP database supplied to the Commission. Corrected information and additional evaluative information may be needed on a highest priority basis to ensure the integrity of the database.

OMB Control Number: 3060–1110.

Title: Sunset of the Cellular Radiotelephone Service Analog Service Requirements and Related Matters.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 117 respondents; 117 responses.

Estimated Time per Response: 24 hours.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 154(i), 201 and 303(r) as amended by the Communications Act of 1934, as amended.

Total Annual Burden: 2,808 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: No questions of a confidential nature are asked.

Needs and Uses: The Commission will be submitting this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the reporting requirement).

In a *Memorandum Opinion and Order (MO&O),* FCC 07–103, the Commission denied a petition for rulemaking to extend the requirement that all cellular radiotelephone licensees provide analog service to subscribers and roamers whose equipment conforms to the Advanced Mobile Phone Service (AMPS) standard. This requirement sunset on February 29, 2008. In the *MO&O,* the Commission also directed cellular radiotelephone service licensees to notify their remaining analog subscribers of the sunset date and of their intention to discontinue AMPS-compatible analog service at least four months before such discontinuance, and a second time, at least 30 days before such discontinuance (the ''consumer-notice requirement'').

The consumer-notice requirement will ensure that the remaining analog cellular service subscribers, including persons with hearing disabilities, are fully apprised of the sunset of the analog cellular service requirement.

OMB Control Number: 3060–1000.

Title: Section 87.147, Authorization of Equipment.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 25 respondents; 25 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: One time and occasion reporting requirements and third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 154, 303 and 307(e) of the Communications Act of 1934, as amended.

Total Annual Burden: 25 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will be submitting this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the reporting and/or third party disclosure requirements). There is no change in the Commission's burden estimates.

Section 87.147 requires that an applicant for certification of equipment intended for transmission in any of the frequency bands listed in paragraph (d)(3) of this rule section must notify the Federal Aviation Administration (FAA) of the filing of a certification application. The letter of notification must be mailed to the FAA. The certification must include a copy of the notification letter to the FAA, as well as, a copy of the FAA's subsequent determination of the equipment's compatibility the National Airspace System (NAS).

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–20566 Filed 8–22–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 19, 2013.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Wilshire Bancorp, Inc.,* Los Angeles, California; to acquire 100 percent of the voting shares of Saehan Bancorp, and thereby indirectly acquire voting shares of Saehan Bank, both in Los Angeles, California.

Board of Governors of the Federal Reserve System, August 20, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–20592 Filed 8–22–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 19, 2013.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *Western Acquisition Partners LLC,* Washington, DC; acquire at least 22 percent of the voting shares of Carrollton Bancorp, and indirectly acquire voting shares of Bay Bank, FSB, both in Lutherville, Maryland, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii).

In addition, Applicant also has applied to acquire at least 6 percent of the voting shares of FirstAtlantic Financial Holdings, Inc., and indirectly acquire voting shares of FirstAtlantic Bank, both in Jacksonville, Florida, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii). Western Acquisition Partners LLC, will be relocated and renamed H Bancorp, Columbia, Maryland.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Wintrust Financial Corporation,* Rosemont, Illinois; to merge with Diamond Bancorp, Inc., and indirectly acquire Diamond Bank, FSB, both in Schaumburg, Illinois, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii).

Board of Governors of the Federal Reserve System, August 20, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–20593 Filed 8–22–13; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice-MK–2013–07; Docket No. 2013–0002; Sequence 24]

The Presidential Commission on Election Administration (PCEA); Upcoming Public Advisory Meeting

AGENCY: Office of Government-wide Policy, U.S. General Services Administration (GSA). ACTION: Meeting Notice. SUMMARY: The Presidential Commission on Election Administration (PCEA), a Federal Advisory Committee established in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C., App., and Executive Order 13639, as amended by EO 13644, will hold a meeting open to the public on Wednesday, September 4, 2013.

DATES: *Effective date:* August 23, 2013.

Meeting date: The meeting will be held on Wednesday, September 4, 2013, beginning at 8:00 a.m. Eastern Time, and ending no later than 6:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Nejbauer, Designated Federal Officer, General Services Administration, Presidential Commission on Election Administration, 1776 G Street NW., Washington, DC 20006, email *mark.nejbauer@supportthevoter.gov.*

SUPPLEMENTARY INFORMATION:

Background: The PCEA was established to identify best practices and make recommendations to the President on the efficient administration of elections in order to ensure that all eligible voters have the opportunity to cast their ballots without undue delay, and to improve the experience of voters facing other obstacles in casting their ballots.

Agenda: The purpose of this meeting is for the PCEA to receive information to assist its members in collecting information and data relevant to its deliberations on the subjects set forth in Executive Order 13639, as amended. The agenda will be as follows:

- Introductions & statement of plan for the meeting.
- Testimony by state, county and local election officials.
- Receipt of reports by experts in some of the subject areas detailed in Executive Order 13639.
- Testimony by interested members of the public.

Meeting Access: The PCEA will convene its meeting in the Pennsylvania Convention Center, 1101 Arch Street, Philadelphia, PA 19107. This site is accessible to individuals with disabilities. The meeting may also be webcast or made available via audio link. Please refer to PCEA's Web site, *http://www.supportthevoter.gov,* for the most up-to-date meeting agenda and access information.

Attendance at the Meeting: Individuals interested in attending the meeting must register in advance because of limited space. Please contact Mr. Nejbauer at the email address above to register to attend this meeting and obtain meeting materials. Materials may also be accessed online at *http://www.supportthevoter.gov.* To attend this meeting, please submit your full name, organization, email address, and phone number to Mark Nejbauer by 5:00 p.m. Eastern Time on Monday, September 2, 2013. Detailed meeting minutes will be posted within 90 days of the meeting.

Procedures for Providing Public Comments: In general, public comments will be posted on the PCEA Web site (see above). All comments, including attachments and other supporting materials, received are part of the public record and subject to public disclosure. Any comments submitted in connection with the PCEA meeting will be made available to the public under the

provisions of the Federal Advisory Committee Act.

Contact Mark Nejbauer at *mark.nejbauer@supportthevoter.gov* to register to comment during the meeting's public comment period. Registered speakers will be allowed a maximum of 3 minutes each due to limited time for individual testimony. Written copies providing expanded explanations of witnesses' presentations are encouraged. Requests to comment at the meeting must be received by 5:00 p.m. Eastern Time on Monday, September 2, 2013.

The public is invited to submit written comments for this meeting until 5:00 p.m. Eastern Time on Monday, September 2, 2013, by either of the following methods:

Electronic or Paper Statements: Submit electronic statements to Mr. Nejbauer, Designated Federal Officer at *mark.nejbauer@supportthevoter.gov;* or send three (3) copies of any written statements to Mr. Nejbauer at the PCEA GSA address above. Written testimony not received by 5:00 p.m. Eastern Time on September 2, 2013 may be submitted but will not be considered at the September 4, 2013 meeting.

Dated: August 20, 2013.

Anne Rung,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2013–20664 Filed 8–22–13; 8:45 am]

BILLING CODE 6820–14–P

GOVERNMENT ACCOUNTABILITY OFFICE

Exposure Draft—Standards for Internal Control in the Federal Government

AGENCY: U.S. Government Accountability Office.

ACTION: Notice Of Document Availability.

SUMMARY: The U.S. Government Accountability Office (GAO) is seeking public comments on the proposed revisions to the Standards for Internal Control in the Federal Government, known as the ''Green Book,'' under the authority provided in 31 U.S.C. 3512 (c), (d), commonly known as the Federal Managers' Financial Integrity Act. To help ensure that the standards continue to meet the needs of government managers and the audit community it serves, the Comptroller General of the United States established the Green Book Advisory Council to provide input on revisions to the ''Green Book.'' This exposure draft of the standards includes the Advisory Council's input regarding the proposed changes. We are currently requesting public comments on the proposed revisions in the exposure draft. The proposed changes contained in the 2013 Exposure Draft update to the Standards for Internal Control in the Federal Government reflect major developments in the accountability and financial management profession and emphasize specific considerations applicable to the government environment.

The draft of the proposed changes to Standards for Internal Control in the Federal Government, 2013 Exposure Draft, will only be available in electronic format and will be available to be downloaded from GAO's Web page at www.gao.gov. All comments will be considered a matter of public record and will ultimately be posted on the GAO Web page.

DATES: The exposure period will be from September 2, 2013 to December 2, 2013.

ADDRESSES: Comment letters should be emailed to *GreenBook@gao.gov.* Please include Comment Letter in the subject line of the email.

FOR FURTHER INFORMATION CONTACT: For information on the Standards for Internal Control in the Federal Government, please contact Kristen Kociolek, Assistant Director, Financial Management and Assurance, telephone 202–512–2989.

Authority: 31 U.S.C. 3512 (c), (d).

James Dalkin,

Director, Financial Management and Assurance, U.S. Government Accountability Office.

[FR Doc. 2013–20530 Filed 8–22–13; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–13–13BU]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Determining Causes of Sudden, Unexpected Infant Death: A National Survey of U.S. Medical Examiners and Coroners—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

To explore how medical examiners and coroners interpret and report sudden unexpected and unexplained infant deaths and the extent to which interpretation and reporting practices vary across the U.S., CDC's National Center on Chronic Disease Prevention and Health Promotion proposes to conduct a one-time mail survey. The proposed activity is part of CDC's mission, as described in Section 241 of the Public Health Service Act [42 U.S.C. 241].

Jurisdictions that are invited to participate in the survey will be selected with probability proportional to the number of SUID-related deaths that they reported in 2005–2009. Interviewers will telephone receptionists or operators in 800 medical examiners'/coroners' offices to verify the names and contact information for individuals who certify infant deaths. Paper surveys will then be distributed to approximately 720 coroners and 80 medical examiners by mail. Surveys will take about 30 minutes to complete and will contain questions about infant death interpretation and reporting practices and respondents' background and jurisdiction characteristics. We anticipate that approximately 80% of prospective respondents (576 coroners and 64 medical examiners) will return a completed survey. All survey responses will be maintained in a secure manner.

OMB approval is requested for one year. There are no costs to respondents other than their time. The total estimated burden hours are 387.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Burden per response (in hr)
Jurisdiction Receptionist or Operator	Telephone screener	800	1	5/60
Coroner	National Survey of Medical Examiners and Coroners.	576	1	30/60
Medical Examiner	National Survey of Medical Examiners and Coroners.	64	1	30/60

LeRoy 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. 2013–20642 Filed 8–22–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–13–0666]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National Healthcare Safety Network (NHSN) (OMB No. 0920–0666), exp. 12/31/2015—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Healthcare Safety Network (NHSN) is a system designed to accumulate, exchange, and integrate relevant information and resources among private and public stakeholders to support local and national efforts to protect patients and promote healthcare safety. Specifically, the data is used to determine the magnitude of various healthcare-associated adverse events and trends in the rates of these events among patients and healthcare workers with similar risks. The data will be used to detect changes in the epidemiology of adverse events resulting from new and current medical therapies and changing risks. The NHSN consists of six components: Patient Safety, Healthcare Personnel Safety, Biovigilance, Long-Term Care Facility (LTCF), Dialysis, and Outpatient Procedure.

The new Dialysis Component was developed in order to separate reporting of dialysis events from the Patient Safety Component. The new component will tailor the NHSN user interface for dialysis users to simplify their data entry and analyses processes as well as provide options for expanding the Dialysis Component in the future to include dialysis surveillance in settings other than outpatient facilities.

The new Outpatient Procedure Component was developed to gather data on the impact of infections and other outcomes related to outpatient procedures that are performed in settings such as Ambulatory Surgery Centers (ASCs), Hospital Outpatient Departments (HOPDs), and physicians' offices. Three event types will be monitored in this new component: Same Day Outcome Measures, Prophylactic Intravenous (IV) Antibiotic Timing, and Surgical Site Infections (SSI).

This revision submission includes two new NHSN components and their corresponding forms. The Dialysis Component consists of changes to three previously approved forms and the addition of four new forms. These new forms include component specific monthly reporting plan, prevention process measures monthly monitoring, patient influenza vaccination, and patient influenza vaccination denominator forms. The Outpatient Procedure Component consists of four new forms: Component specific annual survey, monthly reporting plan, event, and monthly denominators and summary forms.

Further, the breadth of organism susceptibility data required on all of the healthcare-associated infection (HAI) report forms (i.e., BSI, UTI, SSI, PNEU (VAP and VAE), DE, LTUTI, and MDRO Infection Surveillance) has been reduced for the purposes of streamlining, simplification, and removing undue burden where possible. Significant changes were made to the NHSN Biovigilance Component forms as a result of a subject matter expert and stakeholder working groups. This includes the removal of the monthly incident summary form. A brand new form was added (Form 57.600—State Health Department Validation Record) to collect aggregate validation results that will be gathered by state health departments when conducting facility-level validation of NHSN healthcare-associated infection (HAI) data within their jurisdictions using the CDC/NHSN Validation Guidance and Toolkits.

Additionally, minor revisions have been made to 32 other forms within the package to clarify and/or update surveillance definitions.

The previously approved NSHN package included 48 individual collection forms; the current revision request adds nine new forms and removes one form for a total of 56 forms. The reporting burden will increase by 542,122 hours, for a total of 4,104,776 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form No. and name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Registered Nurse (Infection Preventionist)	57.100: NHSN Registration Form	2,000	1	5/60
Registered Nurse (Infection Preventionist)	57.101: Facility Contact Information	2,000	1	10/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form No. and name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Registered Nurse (Infection Preventionist)	57.103: Patient Safety Component—Annual Hospital Survey.	6,000	1	30/60
Registered Nurse (Infection Preventionist)	57.105: Group Contact Information	6,000	1	5/60
Registered Nurse (Infection Preventionist)	57.106: Patient Safety Monthly Reporting Plan.	6,000	12	35/60
Registered Nurse (Infection Preventionist)	57.108: Primary Bloodstream Infection (BSI)	6,000	36	32/60
Registered Nurse (Infection Preventionist)	57.111: Pneumonia (PNEU)	6,000	72	29/60
Registered Nurse (Infection Preventionist)	57.112: Ventilator-Associated Event	6,000	144	22/60
Infection Preventionist	57.114: Urinary Tract Infection (UTI)	6,000	27	29/60
Staff RN	57.116: Denominators for Neonatal Intensive Care Unit (NICU).	6,000	9	3
Staff RN	57.117: Denominators for Specialty Care Area (SCA)/Oncology (ONC).	6,000	9	5
Staff RN	57.118: Denominators for Intensive Care Unit (ICU)/Other locations (not NICU or SCA).	6,000	54	5
Registered Nurse (Infection Preventionist)	57.120: Surgical Site Infection (SSI)	6,000	36	29/60
Staff RN	57.121: Denominator for Procedure	6,000	540	5/60
Laboratory Technician	57.123: Antimicrobial Use and Resistance (AUR)-Microbiology Data Electronic Upload Specification Tables.	6,000	12	5/60
Pharmacy Technician	57.124: Antimicrobial Use and Resistance (AUR)-Pharmacy Data Electronic Upload Specification Tables.	6,000	12	5/60
Registered Nurse (Infection Preventionist)	57.125: Central Line Insertion Practices Adherence Monitoring.	1,000	100	5/60
Registered Nurse (Infection Preventionist)	57.126: MDRO or CDI Infection Form	6,000	72	29/60
Registered Nurse (Infection Preventionist)	57.127: MDRO and CDI Prevention Process and Outcome Measures Monthly Monitoring.	6,000	24	12/60
Registered Nurse (Infection Preventionist)	57.128: Laboratory-identified MDRO or CDI Event.	6,000	240	15/60
Registered Nurse (Infection Preventionist)	57.130: Vaccination Monthly Monitoring Form–Summary Method.	100	5	14
Registered Nurse (Infection Preventionist)	57.131: Vaccination Monthly Monitoring Form–Patient-Level Method.	100	5	2
Registered Nurse (Infection Preventionist)	57.133: Patient Vaccination	100	250	10/60
Registered Nurse (Infection Preventionist)	57.137: Long-Term Care Facility Component—Annual Facility Survey.	250	1	45/60
Registered Nurse (Infection Preventionist)	57.138: Laboratory-identified MDRO or CDI Event for LTCF.	250	8	15/60
Registered Nurse (Infection Preventionist)	57.139: MDRO and CDI Prevention Process Measures Monthly Monitoring for LTCF.	250	12	5/60
Registered Nurse (Infection Preventionist)	57.140: Urinary Tract Infection (UTI) for LTCF.	250	9	27/60
Registered Nurse (Infection Preventionist)	57.141: Monthly Reporting Plan for LTCF	250	12	5/60
Registered Nurse (Infection Preventionist)	57.142: Denominators for LTCF Locations	250	12	3
Registered Nurse (Infection Preventionist)	57.143: Prevention Process Measures Monthly Monitoring for LTCF.	250	12	5/60
Registered Nurse (Infection Preventionist)	57.150: LTAC Annual Survey	400	1	30/60
Registered Nurse (Infection Preventionist)	57.151: Rehab Annual Survey	1,000	1	25/60
Occupational Health RN/Specialist	57.200: Healthcare Personnel Safety Component Annual Facility Survey.	50	1	8
Occupational Health RN/Specialist	57.203: Healthcare Personnel Safety Monthly Reporting Plan.	50	9	10/60
Occupational Health RN/Specialist	57.204: Healthcare Worker Demographic Data.	50	200	20/60
Occupational Health RN/Specialist	57.205: Exposure to Blood/Body Fluids	50	50	1
Occupational Health RN/Specialist	57.206: Healthcare Worker Prophylaxis/Treatment.	50	30	15/60
Laboratory Technician	57.207: Follow-Up Laboratory Testing	50	50	15/60
Occupational Health RN/Specialist	57.210: Healthcare Worker Prophylaxis/Treatment-Influenza.	50	50	10/60
Medical/Clinical Laboratory Technologist	57.300: Hemovigilance Module Annual Survey.	500	1	2
Medical/Clinical Laboratory Technologist	57.301: Hemovigilance Module Monthly Reporting Plan.	500	12	1/60
Medical/Clinical Laboratory Technologist	57.303: Hemovigilance Module Monthly Reporting Denominators.	500	12	1
Medical/Clinical Laboratory Technologist	57.304: Hemovigilance Adverse Reaction	500	48	15/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form No. and name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Medical/Clinical Laboratory Technologist	57.305: Hemovigilance Incident	500	12	10/60
Staff RN	57.400: Outpatient Procedure Component—Annual Facility Survey.	5,000	1	5/60
Staff RN	57.401: Outpatient Procedure Component—Monthly Reporting Plan.	5,000	12	15/60
Staff RN	57.402: Outpatient Procedure Component Event.	5,000	25	40/60
Staff RN	57.403: Outpatient Procedure Component—Monthly Denominators and Summary.	5,000	12	40/60
Registered Nurse (Infection Preventionist)	57.500: Outpatient Dialysis Center Practices Survey.	6,000	1	1.75
Staff RN	57.501: Dialysis Monthly Reporting Plan	6,000	12	5/60
Staff RN	57.502: Dialysis Event	6,000	60	13/60
Staff RN	57.503: Denominator for Outpatient Dialysis	6,000	12	6/60
Staff RN	57.504: Prevention Process Measures Monthly Monitoring for Dialysis.	600	12	30/60
Staff RN	57.505: Dialysis Patient Influenza Vaccination.	250	75	10/60
Staff RN	57.506: Dialysis Patient Influenza Vaccination Denominator.	250	5	10/60
Epidemiologist	57.600: State Health Department Validation Record.	152	50	15/60

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. 2013–20609 Filed 8–22–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Impact of Japanese Encephalitis Vaccination in Cambodia, Funding Opportunity Announcement (FOA) CK14–001, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 1:00 p.m.–3:00 p.m., October 17, 2013 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Impact of Japanese Encephalitis Vaccination in Cambodia, FOA CK14–001''.

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 718–8833.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–20531 Filed 8–22–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0002]

Withdrawal of Approval of New Animal Drug Applications; Quali-Tech Products, Inc.; Bambermycins; Pyrantel; Tylosin; Virginiamycin

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of four new animal drug applications (NADAs) held by Quali-Tech Products, Inc., at the sponsor's request because the products are no longer manufactured or marketed.

DATES: Withdrawal of approval is effective September 3, 2013.

FOR FURTHER INFORMATION CONTACT: David Alterman, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855; 240–453–6843; email: *david.alterman@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Quali-Tech Products, Inc., has requested that FDA withdraw approval of the following four NADAs because the products, used to manufacture Type C medicated feeds, are no longer manufactured or marketed: NADA 097–980 for Quali-Tech TYLAN–10 (tylosin phosphate) Premix, NADA 118–815 for Q.T. BAN–TECH (pyrantel tartrate), NADA 132–705 for FLAVOMYCIN (bambermycins), and NADA 133–335 for STAFAC (virginiamycin) Swine Pak 10.

Therefore, under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, and in accordance with § 514.116 *Notice of withdrawal of approval of application* (21 CFR 514.116), notice is given that approval of NADAs 097–980, 118–815, 132–705, and 133–335, and all supplements and

amendments thereto, is hereby withdrawn.

Elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the voluntary withdrawal of approval of these applications.

Dated: August 20, 2013.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2013–20615 Filed 8–22–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0835]

Withdrawal of Approval of New Animal Drug Applications; Diethylcarbamazine; Nicarbazin; Penicillin; Roxarsone

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of three new animal drug applications (NADAs) at the sponsors' request because the products are no longer manufactured or marketed.

DATES: Withdrawal of approval is effective September 3, 2013.

FOR FURTHER INFORMATION CONTACT: David Alterman, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6843, email: *david.alterman@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Phibro Animal Health Corp., 65 Challenger Rd., 3d Floor, Ridgefield Park, NJ 07660 has requested that FDA withdraw approval of NADA 098–371 for use of nicarbazin, penicillin, and roxarsone in 3-way, combination drug Type C medicated feeds for broiler chickens and NADA 098–374 for use of nicarbazin and penicillin in 2-way, combination drug Type C medicated feeds for broiler chickens because the products are no longer manufactured or marketed.

R. P. Scherer North America, P.O. Box 5600, Clearwater, FL 33518 has requested that FDA withdraw approval of NADA 123–116 for Diethylcarbamazine Citrate Capsules used in dogs for the prevention of heartworm disease because the product is no longer manufactured or marketed.

Therefore, under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, and in accordance with § 514.116 *Notice of withdrawal of approval of application* (21 CFR 514.116), notice is given that approval of NADA 098–371, NADA 098–374, and NADA 123–116, and all supplements and amendments thereto, is hereby withdrawn.

Elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the withdrawal of approval of these applications.

Dated: August 19, 2013.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2013–20541 Filed 8–22–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Combating Autism Act Initiative Evaluation (OMB No. 0915–0335 [Revision]

Abstract: In response to the growing need for research and resources devoted to autism spectrum disorders (ASD) and other developmental disabilities (DD), the U.S. Congress passed the Combating Autism Act (CAA) in 2006. The Act included funding for the U.S. Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) to increase awareness, reduce barriers to screening and diagnosis, promote evidence-based interventions, train health care professionals to screen for, diagnose or rule out, and provide evidence-based interventions for ASD and other DD. In 2011, the Combating Autism Reauthorization Act (CARA) was signed into law, reauthorizing funding for the CAA's programs for an additional 3 years at the existing funding levels. Through the CARA, HRSA is tasked with increasing awareness of ASD and other DD, reducing barriers to screening and diagnosis, promoting evidence-based interventions, and training health care professionals in the use of valid and reliable screening and diagnostic tools.

Need and Proposed Use of the Information: HRSA's activities under the CARA legislation are delegated to the Maternal and Child Health Bureau (MCHB), which is implementing the Combating Autism Act Initiative (CAAI) in response to the legislative mandate. The purpose of this evaluation is to design and implement an evaluation to assess the effectiveness of MCHB's activities in meeting the goals and objectives of the CAAI, and to provide sufficient data to inform MCHB and the Congress as to the utility of the grant programs funded under the Initiative. The evaluation will focus on indicators related to: (1) Increasing awareness of ASD and other DD among health care providers, other MCH professionals, and the general public; (2) reducing barriers to screening and diagnosis; (3) supporting research on evidence-based interventions; (4) promoting the development of evidence-based guidelines and tested/validated intervention tools; (5) training professionals; and (6) building capacity for systems of services in states.

Likely Respondents: Grantees funded by HRSA under the CAAI will be the respondents for this data collection activity. The programs to be evaluated are listed below.

1. Training Programs

- Leadership Education in Neurodevelopmental Disabilities (LEND) training programs with forty-three grantees;
- Developmental Behavioral Pediatrics (DBP) training programs with ten grantees; and
- A National Combating Autism Interdisciplinary Training Resource Center grantee.

2. Research Networks Program

- Two Autism Intervention Research Networks that focus on intervention research, guideline development, and information dissemination; and
- 20 R40 Maternal and Child Health (MCH) Autism Intervention Research Program grantees that support research on evidence-based practices for interventions to improve the health and well-being of children and adolescents with ASD and other DD.

3. State Implementation Program Grants for Improving Services for Children and Youth With Autism Spectrum Disorder (ASD) and Other Developmental Disabilities (DD)

- 18 grantees will implement state autism plans and develop models for improving the system of care for children and youth with ASD and other DD;
- 4 grantees will design state plans for improving the system for children and youth with ASD and other DDs; and
- A State Public Health Coordinating Resource Center grantee.

The data gathered through this evaluation will be used to:

1. Evaluate the grantees' performance in achieving the objectives of the CAAI during the three year grant period;
2. Assess the short- and intermediate-term impacts of the grant programs on children and families affected by ASD and other DD; and
3. Measure the CAAI outputs and outcomes for the report to Congress.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below. The Principal Investigator or Project Director from each grant program will be interviewed. The questionnaires for the Research Programs and the State Implementation grant programs will be completed by each Principal Investigator/Project Director.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Grant program/form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
LEND Interview Protocol	43	1	43	1	43
DBP Interview Protocol	10	1	10	1	10
State Implementation Program Interview Protocol	22	1	22	1	22
State Implementation Program Questionnaire	22	1	22	.75	16.5
Research Program Interview Protocol (Networks only)	2	1	2	1	2
Research Program Questionnaire	20	1	20	.75	15
Resource Centers Interview Protocol	2	1	2	1	2
Total	121		121		110.50

HRSA specifically requests comments on (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.

Dated: August 16, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–20544 Filed 8–22–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Council on Graduate Medical Education; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Council on Graduate Medical Education (COGME).

Date and Time: September 9, 2013 (8:30 a.m.–5:00 p.m.), September 10, 2013 (8:30 a.m.–5:00 p.m.).

Place: Combined In-Person and Webinar Format, Health Resources and Services Administration, U.S. Department of Health and Human Services, 5600 Fishers Lane, Rockville, Maryland 20852, Rooms 18–63.

Status: The meeting will be open to the public.

Purpose: The COGME provides advice and recommendations to the Secretary of the Department of Health and Human Services and to Congress on a range of issues including the supply and distribution of physicians in the United States, current and future physician shortages or excesses, issues relating to foreign medical school graduates, the nature and financing of medical education training, and the development of performance measures and longitudinal evaluation of medical education programs.

Agenda: The meeting will begin with opening comments from the Health Resources and Services Administration (HRSA) senior officials and updates on HRSA-specific programs related to the physician workforce. The Council is expected to hear from subject matter experts on new health care delivery

models and their effects on graduate medical education in the future. Subject matter experts will include prominent members of select national physician organizations. In addition, over the course of this two-day meeting, several members of the Council will be providing 15 minute presentations on their personal past experiences pertaining to the topic of medical education and training at service delivery sites.

Public Comment: An opportunity will be provided for public comment at the end of each day of the meeting. The time allotted for the public comment portions of this meeting will be extended in the hope that members of the public with specific knowledge and experiences on the topic of new health care delivery models and their potential effect(s) on graduate medical education in the future will contribute to the discussion. General public comments to the Council will be accepted.

The official agenda will be available two days prior to the meeting on the HRSA Web site (*http://www.hrsa.gov/advisorycommittees/bhpradvisory/cogme/index.html*). Agenda items are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: As this meeting will be a combined format of both in-person and webinar, members of the public and interested parties who wish to participate in-person should make a request by emailing their first name, last name, and full email address to *BHPrAdvisoryCommittee@hrsa.gov* or by contacting the Designated Federal Official for the Council, Mr. Shane Rogers, at 301–443–5260 or *srogers@hrsa.gov* by Thursday, September 5, 2013. Due to the fact that this meeting will be held within a federal government building and public entrance to such facilities require prior planning, access will be granted upon request only and will be on a first-come, first-served basis. Space is limited. Members of the public who wish to participate via webinar should view the Council's Web site for the specific webinar access information at least two days prior to the date of the meeting: *http://www.hrsa.gov/advisorycommittees/bhpradvisory/cogme/index.html.*

FOR FURTHER INFORMATION CONTACT: Anyone requesting information regarding the COGME should contact Mr. Shane Rogers, Designated Federal Official within the Bureau of Health Professions, Health Resources and Services Administration, in one of following three ways: (1) Send a request to the following address: Shane Rogers, Designated Federal Official, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 9A–27, 5600 Fishers Lane, Rockville, Maryland 20857; (2) call (301) 443–5260; or (3) send an email to *srogers@hrsa.gov.*

Dated: August 16, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–20543 Filed 8–22–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Direct Service and Contracting Tribes; National Indian Health Outreach and Education Funding Opportunity

Announcement Type: New Limited Competition.

Funding Announcement Number: HHS–2013–IHS–NIHOE–0003.

Catalog of Federal Domestic Assistance Number: 93.933.

Key Dates

Application Deadline Date: September 21, 2013.

Review Date: September 23, 2013.

Earliest Anticipated Start Date: September 30, 2013.

Proof of Non-Profit Status Due Date: September 23, 2013.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) is accepting competitive applications for the Office of Direct Service and Contracting Tribes (ODSCT) cooperative agreement for the National Indian Health Outreach and Education (NIHOE) III funding opportunity that includes outreach and education activities on the following: the Patient Protection and Affordable Care Act, Public Law 111–148 (PPACA), as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, collectively known as the Affordable Care Act, and the Indian Health Care Improvement Act (IHCIA), as amended. This program is authorized under: the Snyder Act, codified at 25 U.S.C. 13, and the Transfer Act, codified at 42 U.S.C. 2001(a). This program is described in the Catalog of Federal Domestic Assistance under 93.933.

Background

The NIHOE—III programs carry out health program objectives in the American Indian/Alaska Native (AI/AN) community in the interest of improving the quality of and access to health care for all 566 Federally-recognized Tribes including Tribal governments operating their own health care delivery systems through self-determination contracts and compacts with the IHS and Tribes that continue to receive health care directly from the IHS. This program addresses health policy and health programs issues and disseminates educational information to all AI/AN Tribes and villages. These awards require that public forums be held at Tribal educational consumer conferences to disseminate changes and updates on the latest health care information. These awards also require that regional and national meetings be coordinated for information dissemination as well as for the inclusion of planning and technical assistance and health care recommendations on behalf of participating Tribes to ultimately inform IHS and the Department of Health and Human Services (HHS) based on Tribal input through a broad based consumer network. The IHS also provides health and related services through grants and contracts with urban Indian organizations to reach AI/ANs residing in urban communities.

Purpose

The purpose of this IHS cooperative agreement announcement is to encourage national Indian organizations and IHS, Tribal, and Urban (I/T/U) partners to work together to conduct Affordable Care Act/IHCIA training and technical assistance throughout Indian Country. Under the Limited Competition NIHOE Cooperative Agreement program, the overall program objective is to improve Indian health care by conducting training and technical assistance across AI/AN communities to ensure that the Indian health care system and all AI/ANs are prepared to take advantage of the new health insurance coverage options which will improve the quality of and access to health care services, and increase resources for AI/AN health care. The goal of this program announcement is to coordinate and conduct training and technical assistance on a national scale for the 566 Federally-recognized Tribes, and Tribal organizations on the changes, improvements and authorities of the Affordable Care Act and IHCIA in anticipation of the Health Insurance Marketplace October 1, 2013 open enrollment date and coverage start date of January 1, 2014. This collaborative effort will benefit I/T/U as well as the

AI/AN communities including Tribal and urban populations and elders/seniors.

Limited Competition Justification

Competition for the award included in this announcement is limited to national Indian organizations with at least ten years of experience providing training, education and outreach on a national scale. This limitation ensures that the awardee will have (1) a national information-sharing infrastructure which will facilitate the timely exchange of information between the HHS and Tribes and Tribal organizations on a broad scale; (2) a national perspective on the needs of AI/AN communities that will ensure that the information developed and disseminated through the projects is appropriate, useful and addresses the most pressing needs of AI/AN communities; and (3) established relationships with Tribes and Tribal organizations that will foster open and honest participation by AI/AN communities. Regional or local organizations will not have the mechanisms in place to conduct communication on a national level, nor will they have an accurate picture of the health care needs facing AI/ANs nationwide. Organizations with less experience will lack the established relationships with Tribes and Tribal organizations throughout the country that will facilitate participation and the open and honest exchange of information between Tribes and HHS. With the limited funds available for these projects, HHS must ensure that the training, education and outreach efforts described in this announcement reach the widest audience possible in a timely fashion, are appropriately tailored to the needs of AI/AN communities throughout the country, and come from a source that AI/ANs recognize and trust. For these reasons, this is a limited competition announcement.

II. Award Information

Type of Award Cooperative Agreement. The IHS will accept applications for either one of the following: A. Two entities collaborating and applying as one entity. B. Two entities applying separately to accomplish appropriately divided program activities.

Estimated Funds Available

The total amount of funding identified for the current fiscal year (FY) 2013 is approximately $1,043,923.00. Individual award amounts are anticipated to be $300,000 and $743,923, respectively if awarded to two entities applying separately; $1,043,923 if awarded to two entities applying as one entity. $143,923 is set aside for a sub award to address outreach and education efforts specific to urban Indian health. Further details are provided in the applicable section components. Competing and continuation awards issued under this announcement are subject to the availability of funds. In the absence of funding, the IHS is under no obligation to make awards that are selected for funding under this announcement.

Optional approach allowed for applying for the $1,043,923:

1. First Option: If two entities are collaborating to apply for $1,043,923 as one entity, then funding will be divided as follows: one entity will be allowed $743,923 and be responsible for issuing a subaward in the amount of $143,923 for addressing Urban Indian Health activities.

The second entity will be allowed $300,000 for carrying out the remainder of the activities.

2. Second Option: If two entities are applying separately, then one entity will apply for $743,923 and be responsible for issuing a subaward in the amount of $143,923 for addressing Urban Indian Health activities. The second entity will apply for the remaining $300,000.

Anticipated Number of Awards

Approximately one to two awards will be issued under this program announcement.

Project Period

The project period will be for one year and will run consecutively from September 30, 2013 to September 29, 2014.

Cooperative Agreement

Cooperative agreements awarded by HHS are administered under the same policies as a grant. The funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for Cooperative Agreement

A. IHS Programmatic Involvement

(1) The IHS assigned program official will work in partnership with the awardee in all decisions involving strategy, hiring of consultants, deployment of resources, release of public information materials, quality assurance, coordination of activities, any training activities, reports, budget and evaluation. Collaboration includes data analysis, interpretation of findings and reporting.

(2) The IHS assigned program official will approve the training curriculum content, facts, delivery mode, pre- and post-assessments, and evaluation before any materials are printed and the training is conducted.

(3) The IHS assigned program official will review and approve all of the final draft products before they are published and distributed.

B. Grantee Cooperative Agreement Award Activities

The awardee must comply with relevant Office of Management and Budget (OMB) Circular provisions regarding lobbying, any applicable lobbying restrictions provided under other law, and any applicable restriction on the use of appropriated funds for lobbying activities.

(1) Foster collaboration across the Indian health care system to encourage and facilitate an open exchange of ideas and open communication regarding training and technical assistance on the Affordable Care Act and IHCIA provisions.

(2) Conduct training and technical assistance on the Affordable Care Act and IHCIA and the changes and requirements that will affect AI/ANs either independently or jointly via a partnership as described previously. The purpose of this IHS cooperative agreement announcement is to encourage national and regional Indian organizations and IHS, Tribal, and Urban (I/T/U) partners to work together to conduct Affordable Care Act/IHCIA training and technical assistance throughout Indian Country. The project goals are three-fold for the IHS and the selected entities:

1. Materials—Develop and disseminate (upon IHS approval) training materials about the Affordable Care Act/IHCIA impact on the Indian health care system including: educating consumers on the health care insurance options available, educating the I/T/U system on the process for enrollment (with a special focus on the Certified Application Counselor (CAC) and Hardship Waiver requirements) and eligibility determinations, and maximizing revenue opportunities.

2. Training—Develop and implement an Affordable Care Act/IHCIA implementation training plan and individual training sessions aimed at educating all Indian health care system stakeholders on health care system

impact and changes, specifically implementation in the different types of Marketplaces, the role of Health Insurance Marketplace assisters (special emphasis on CAC, and the Hardship Waiver for AI/ANs. Collaborate and partner with other national organizations to identify ways to take full advantage of the health care coverage options offered through the Health Insurance Marketplace with coverage beginning on January 1, 2014.

3. Technical Assistance—Provide technical assistance to I/T/Us on the Affordable Care Act/IHCIA implementation. Work with these entities to assess the training needs, identify innovations in Affordable Care Act/IHCIA implementation, and promote the dissemination and replication of solutions to the challenges faced by I/T/Us in implementing the Affordable Care Act/IHCIA.

Office of Resource, Access and Partnerships (ORAP)

$300,000—for Implementation of the Affordable Care Act—Training and Technical Assistance: This is to include, but not be limited to, a focus on effective training and technical assistance efforts in implementing the Affordable Care Act/IHCIA across the Indian health care system (I/T/U) with emphasis on preparing I/T/Us to work with States and/or the Federal government in State-based Marketplace (SBM), a State Partnership Marketplace (SPM), or a Federally-Facilitated Marketplace (FFM).

A. Develop an Affordable Care Act/IHCIA Training for the Indian Health Care System (I/T/U)

1. Review, compile and evaluate all available Affordable Care Act/IHCIA training materials specific to AI/ANs and report findings as it relates to the Indian health care system.

2. Based on findings, develop a ''train the trainer'' training curriculum for all I/T/U staff to be implemented before December 31, 2013. Training will complement the Federal CAC training and certification process and focus on the Affordable Care Act ''Indian'' specific provisions and/or IHCIA regulations and the impact on the Indian health care system. Through the training, specifically address the Certified Application Counselor (CAC) and Hardship Waiver requirements.

3. Develop an evaluation for the curriculum training that assesses content and participant knowledge learning and provide a certificate of completion for participants. Develop a tracking system for the number of certificates awarded. Conduct preliminary training sessions, track attendance and submit such data along with a summary of evaluation results.

4. Record training session and disseminate in an online format (i.e. IHS and Web sites of national and regional Indian organizations and partners) for wide accessibility and use by I/T/Us and AI/AN communities.

5. Review, evaluate, and update training content on an on-going basis throughout the funding year to ensure the information continues to meet the needs of the Indian health care system.

B. Create and Disseminate Affordable Care Act/IHCIA Training and Technical Assistance Materials

1. Develop targeted materials for American Indian and Alaska Natives, including special materials for elders and seniors regarding the Affordable Care Act/IHCIA provisions.

2. Write materials in everyday and culturally sensitive language explaining the benefits of the laws, for AI/ANs, including seniors and elders.

3. Create and disseminate complementary training materials (e.g. tools, forms, etc.) for I/T/Us to implement the CAC training and certification process and the Hardship Waiver form for AI/ANs.

4. Create Marketplace implementation and training tools for I/T/U facilities. Materials will be developed specific to the different types of Marketplaces (SBM), SPM, FFM).

5. Create and disseminate additional training and technical assistance materials as needed.

C. Provide Training and Technical Assistance

1. Based on the knowledge and expertise gained in the above activities, provide training and technical assistance across the Indian health care system to assist in planning and implementing Affordable Care Act/IHCIA training with special emphasis on the CAC training and certification process and Hardship Waiver forms to I/T/Us.

2. Identify and provide a forum to share innovative ideas, challenges and solutions for successful Affordable Care Act/IHCIA implementation. Report on Affordable Care Act/IHCIA implementation progress highlighting innovative ideas, challenges and solutions throughout the funding year.

D. Produce Measurable Outcomes Including:

a. Analytical reports, policy reviews and recommended documents—The products will be in the form of written (hard copy and/or electronic files) documents that contain analyses of the listed Affordable Care Act implementation health care issues to be reported at the Quarterly Direct Service Tribes Advisory Meetings and other meetings determined by IHS. Copies of all deliverables shall be submitted to the IHS ODSCT, IHS Office of Resource Access and Partnerships (ORAP) IHS Office of Urban Indian Health Programs; and IHS Senior Advisor to the Director.

b. Disseminate educational and informational materials and communicate to IHS and Tribal health program staff through venues such as National and Regional Health conferences with a Tribal focus, consumer conferences, meetings and training sessions. This can be in the form of PowerPoint presentations, informational brochures, and/or handout materials. The IHS will provide guidance and assistance as needed. Copies of all deliverables shall be submitted to the IHS Office of Direct Service and Contracting Tribes; IHS Office of Resource Access and Partnerships; IHS Office of Urban Indian Health Programs (OUIHP); and IHS Senior Advisor to the Director.

Office of Direct Service and Contracting Tribes (ODSCT)

$600,000—for Conducting Affordable Care Act/IHCIA Education and Outreach Training and Technical Assistance focusing on five consumer groups: (1) Consumers; (2) Tribal Leadership and Membership; (3) Tribal Employers; (4) Indian Health Facility Administrators; and (5) Elders and Seniors.

A. Collaboration and Coordination Ensuring Training and Materials Are Widely Distributed

1. Evaluate all available Affordable Care Act/IHCIA training material available for AI/AN and create additional materials as needed that are related to Affordable Care Act/IHCIA.

2. Record, track, and coordinate information sharing activities (enrollments, trainings, information shared, meetings, updates, etc.) with IHS Offices: ODSCT, ORAP, Office of Urban Indian Health Programs, and 11 IHS Area Offices including Aberdeen Area, Albuquerque Area, Bemidji Area, Billings Area, California Area, Nashville Area, Navajo Area, Oklahoma Area, Phoenix Area, Portland Area and Tucson Area.

3. Record training sessions and describe how they will be made available to the I/T/U and AI/AN community on the Web sites of the national Indian organizations and partners.

4. Describe how to ensure the training curriculum content addresses all new regulations and operations for implementing the Affordable Care Act or IHCIA requirements.

5. Conduct monthly meetings with NIHOE national and regional principals to share information and provide progress reports.

B. Coordinate and Develop a Multiple Strategy Education and Outreach Training Approach for I/T/U.

1. Provide outreach and education training and technical assistance for all AI/AN consumers

2. Provide ongoing AI/AN consumers training on tools developed for state Marketplace implementation.

3. Involvement of community based partners and local leadership from all I/T/U levels is an important factor in the success of any enrollment process, develop a modified training briefs for Tribal Health Directors, Chief Executive Officers, and Tribal Leaders to assist with outreach efforts.

C. Provide Measurable Outcomes and Performance Improvement Activities for Affordable Care Act/IHCIA Outreach and Education Actions

1. Describe the review and approval of the training course evaluation instrument.

2. Establish a baseline for available I/T/U facility's enrollments data and identify challenges and opportunities for outreach and education activities.

D. Work Plan

Describe the activities or steps that will be used to achieve each of the activities proposed during the 12-month budget period.

1. Provide a Work Plan that describes the sequence of specific activities and steps that will be used to carry out each of the objectives.

2. Include a detailed time line that links activities to project objectives for the 12-month budget period.

3. Identify challenges, both opportunities and barriers that are likely to be encountered in designing and implementing the activities and approaches that will be used to address such challenges.

4. Describe communication methods with partners.

E. Provide the outreach and educational training and technical assistance about these Acts and their changes and requirements that will target five consumer groups: (1) Consumers; (2) Tribal Leadership and Membership; (3) Tribal Employers; (4) Indian Health Facility Administrators; and (5) Elders and Seniors regarding the Affordable Care Act and IHCIA.

F. Provide focused Affordable Care Act and IHCIA education that translates in everyday language explaining the benefits of the laws for seniors and elders.

G. Strengthen and unify partnerships to strategically identify and conduct activities that will be implemented throughout the I/T/U community to take full advantage of the implementation and ongoing enrollment processes for health care reform regarding Medicaid expansion revenue opportunities and individual health insurance coverage and choices. Entity may utilize consultant if needed.

Office of Urban Indian Health Program

One Hundred Forty Three Thousand Nine Hundred Twenty Three dollars ($143,923) is identified as a set aside for a sub award to continue Health Reform Progress to Implement the Affordable Care Act and Indian Health Care Improvement Act Outreach, Training and Technical Assistance for Urban Indian Health Organizations.

A. Sub award Project Objectives

1. Develop an Affordable Care Act/IHCIA Training for the Urban Indian Organizations

a. Review, compile and evaluate all available Affordable Care Act/IHCIA training materials specific to urban Indians and report findings as it relates to the urban Indian health care system.

b. Based on findings, develop a ''train the trainer'' training curriculum for all urban staff that will complement the Federal CAC training and certification process and focus on the Affordable Care Act ''Indian'' specific provisions and/or IHCIA regulations and the impact on the urban Indian health care system. The training must specifically address the Certified Application Counselor (CAC) and Hardship Waiver requirements.

c. Curriculum training must include an evaluation for content and participant knowledge learning and provide a certificate of completion. A tracking system for the number of certificates awarded will be in place. A preliminary training session will be conducted; attendance will be tracked and submitted along with a summary of evaluation results.

d. Record training sessions and disseminate in an online format (i.e. Web sites of national Indian organizations and partners) for wide accessibility and use by urban Indian communities.

e. Training content must be reviewed, evaluated and updated on an on-going basis throughout the funding year to ensure the information continues to meet the needs of the urban Indian health care system.

2. Create and Disseminate Affordable Care Act/IHCIA Training and Technical Assistance Materials

a. Develop targeted materials for urban Indians, including special materials for elders and seniors regarding the Affordable Care Act/IHCIA provisions.

b. Write materials in everyday language explaining the benefits of the laws, with a special focus on seniors and elders.

c. Create and disseminate complementary training materials (e.g. tools, forms, etc.) for urban Indian health organizations to implement the CAC training and certification process and the Hardship Waiver form for urban Indians.

d. Create and disseminate additional materials as needed.

3. Provide Training and Technical Assistance

a. Based on the knowledge and expertise gained in the above activities, provide training and technical assistance across the urban health care system to assist in planning and implementing Affordable Care Act/IHCIA training with special emphasis on the CAC training and certification process and Hardship Waiver forms.

b. Identify and provide a forum to share innovative ideas, challenges and solutions for successful Affordable Care Act/IHCIA implementation. Reports on Affordable Care Act/IHCIA implementation progress highlighting innovative ideas, challenges and solutions throughout the funding year. The awardee will produce measurable outcomes to include:

i. Analytical reports, policy reviews and recommended documents—The products will be in the form of written (hard copy and/or electronic files) documents that contain analyses of the listed Affordable Care Act implementation health care issues to be reported at the Quarterly Direct Service Tribes Advisory Meetings. A hard copy of all information must be submitted to the Director, OUIHP, IHS.

ii. Disseminate educational and informational materials and communicate to IHS and urban Indian organization staff through venues such as National and Regional Health conferences with a Tribal focus, consumer conferences, meetings and training sessions. This can be in the form of PowerPoint presentations, informational brochures, and/or handout materials. The IHS will provide

guidance and assistance as needed. Copies of all deliverables must be submitted to the IHS ODSCT; IHS ORAP; IHS OUIHP; and IHS Senior Advisor to the Director.

4. Collaboration and Coordination To Ensure Training and Materials Are Widely Distributed

a. Evaluate all available Affordable Care Act/IHCIA training material available for AI/AN and create additional materials as needed that are related to Affordable Care Act/IHCIA.

b. Record, track, and coordination information sharing activities (enrollments, trainings, information shared, meetings, updates, etc.) with IHS Offices: ODSCT, ORAP, OUIHP and 11 IHS Area Offices including Aberdeen Area, Albuquerque Area, Bemidji Area, Billings Area, California Area, Nashville Area, Navajo Area, Oklahoma Area, Phoenix Area, Portland Area and Tucson Area.

c. Record training sessions and describe how they will be made available to the urban Indian communities on the Web sites of the national Indian organizations and partners.

d. Describe how to ensure the training curriculum content addresses all new regulations implementing the Affordable Care Act or IHCIA requirements.

e. Participate in monthly meetings with NIHOE national and regional principals to share information and provide progress reports.

5. Coordinate and Develop a Multiple Strategy Education and Outreach Training Approach for Urban Indian Health Organizations

a. Provide outreach and education training and technical assistance for urban Indian consumers

b. Provide ongoing training on tools developed for state Marketplace implementation.

c. Because involvement of community based partners and local leadership from all I/T/U levels is an important factor in the success of any enrollment process, develop modified training briefs for Board of Directors/Trustees, Chief Executive Officers, and other community leaders to assist with outreach efforts.

6. Provide Measurable Outcomes and Performance Improvement Activities for Affordable Care Act/IHCIA Outreach and Education Actions

1. Describe the review and approval of the training course evaluation instrument.

2. Establish baseline data for individual urban Indian facility's enrollments and identify challenges and opportunities for outreach and education activities.

B. Work Plan

Describe the activities or steps that will be used to achieve each of the activities proposed during the 12-month budget period.

1. Provide a Work Plan that describes the sequence of specific activities and steps that will be used to carry out each of the objectives.

2. Include a detailed time line that links activities to project objectives for the 12-month budget period.

3. Identify challenges, both opportunities and barriers that are likely to be encountered in designing and implementing the activities and approaches that will be used to address such challenges.

4. Describe communication methods with partners.

C. Evaluation

1. Provide a plan for assessing the achievement of the project's objectives and for evaluating changes in the specific problems and contributing factors.

2. Identify performance measures by which the project will track its progress over time.

D. Budget

Provide a functional categorically itemized budget and program narrative justification that supports accomplishing the program objectives, activities, and outcomes within the timeframes specified.

III. Eligibility Information

1. Eligibility

Eligible applicants include 501(c)(3) non-profit entities who meet the following criteria.

Eligible applicants that can apply for this funding opportunity are national Indian organizations.

The national Indian organization must have the infrastructure in place to accomplish the work under the proposed program.

Eligible entities must have demonstrated expertise in the following areas:

- Representing all Tribal governments and providing a variety of services to Tribes, Area health boards, Tribal organizations, and Federal agencies, and playing a major role in focusing attention on Indian health care needs, resulting in improved health outcomes for AI/ANs.
- Promoting and supporting Indian health care education, and coordinating efforts to inform AI/AN of Federal decisions that affect Tribal government interests including the improvement of Indian health care.
- Administering national health policy and health programs.
- Maintaining a national AI/AN constituency and clearly supporting critical services and activities within the IHS mission of improving the quality of health care for AI/AN people.
- Supporting improved health care in Indian Country.
- Providing education and outreach on a national scale (the applicant must provide evidence of at least ten years of experience in this area).

Sub Award Eligibility Requirements

If a Primary applicant plans to include Sub-grantees under their project, the Primary applicant is responsible for ensuring that all Sub-grantee applications are completed, signed and submitted along with their Primary application by the deadline date listed in the Key Dates Section of page one of this announcement. The Primary applicant is also responsible for describing what role the Sub-grantee will have in assisting them with completing the goals and objectives of the program.

Flow-Down of Requirements under Subawards and Contracts under Grants:

The terms and conditions in the HHS GPS apply directly to the recipient of HHS funds. The recipient is accountable for the performance of the project, program, or activity; the appropriate expenditure of funds under the award by all parties; and all other obligations of the recipient, as cited in the NoA. In general, the requirements that apply to the recipient, including public policy requirements, also apply to subrecipients and contractors under grants, unless an exception is specified.

Sub Awardee Criteria

A. Sub awardee must be a national Indian organization with the capacity and capability to address the Urban Indian Health activities outlined in this announcement.

B. Sub awardee must have experience and expertise related to addressing Urban Indian health issues.

C. Sub awardee must apply for the $143,923 set aside for addressing the Urban Indian Health activities outlined in this announcement.

D. Sub awardee will implement the Affordable Care Act/IHCIA outreach, training and technical assistance for Urban Indian organizations.

E. Sub awardee will submit its application as part of the Primary applicant's application submission.

F. Sub awardee must provide proof of non-profit status.

G. Sub awardee will be under the oversight of the Primary applicant.

H. Sub awardee must provide its DUNS number to the prime grantee.

Primary Awardee Criteria

A. Primary Awardee must report information on sub award in compliance with the Federal Funding Accountability and Transparency Act of 2006 as amended.

B. Primary Awardee must notify potential sub awardee that no entity may receive a first-tier subaward unless the entity has provided its DUNS number to the primary grantee organization.

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

Proof of Non-Profit Status
Organizations claiming non-profit status must submit proof. A copy of the 501(c)(3) Certificate must be received with the application submission by the Application Deadline Date listed under the Key Dates section on page one of this announcement.

Letters of Intent will not be required under this funding opportunity announcement.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS by obtaining documentation confirming delivery (i.e. FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_funding*

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed ten pages for each of the three components).
  - Background information on the organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).
- Documentation of current Office of Management and Budget (OMB) A–133 required Financial Audit (if applicable).

Acceptable forms of documentation include:

- Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or
- Face sheets from audit reports. These can be found on the FAC Web site: *http://harvester.census.gov/sac/dissem/accessoptions.html?submit=Go+To+Database*

Public Policy Requirements

All Federal-wide public policies apply to IHS grants with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. *Project Narrative:* This narrative should be a separate Word document that is no longer than ten pages for each of the three components for a total of 30 pages: ORAP: $300,000 for Implementation of the Affordable Care Act Training and Technical Assistance; ODSCT: $600,000 Conduct Affordable Care Act/IHCIA Education and Outreach Training and Technical Assistance; and OUIHP: $143,923 is set aside for a sub award to implement the Affordable Care Act/IHCIA outreach, training and technical assistance for Urban Indian organizations. Project narrative must: be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly answer all questions listed under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or they will not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming more familiar with the grantee's activities and accomplishments prior to this grant award. If the narrative exceeds the page limit, only the first ten pages of each component will be reviewed. The ten-page limit for each component of the narrative does not include the work plan, standard forms, table of contents, budget, budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (4 page limitation for each component)

Section 1: Needs

Describe how national Indian organization(s) has the experience to provide outreach and education efforts regarding the pertinent changes and updates in health care listed herein.

Part B: Program Planning and Evaluation (4 page limitation for each component)

Section 1: Program Plans

Describe fully and clearly the direction the national Indian organization plans to address the NIHOE III requirements, including how the national Indian organization plans to demonstrate improved health education and outreach services to all 566 Federally-recognized Tribes and/or Urban Indian communities that include the elderly and senior citizens. Include proposed timelines as appropriate and applicable.

Section 2: Program Evaluation

Describe fully and clearly how the outreach and education efforts will impact changes in knowledge and awareness in Tribal and urban communities to encourage appropriate changes by increasing knowledge and awareness resulting in informed choices. Identify anticipated or expected benefits for the Tribal constituency and/or urban communities.

Part C: Program Report (2 page limitation for each component)

Section 1: Describe major accomplishments over the last 24 months. Identify and describe significant program achievements associated with the delivery of quality health outreach and education. Provide a comparison of the actual accomplishments to the goals established for the project period, or if applicable, provide justification for the lack of progress.

Section 2: Describe major activities over the last 24 months.

Identify and summarize recent major health related outreach and education project activities of the work performed during the last project period that includes the elderly/senior citizens, if applicable.

B. *Budget Narrative:* This narrative must describe the budget requested and match the scope of work described in the project narrative. The page limitation should not exceed five pages. This applies to the Primary Applicant as well as the Sub Award Applicant.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 12:00 a.m., midnight Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. The applicant will be notified by the DGM via email of this decision.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys, DGM (*Paul.Gettys@ihs.gov*) at (301) 443–2114. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically via Grants.gov, prior approval must be requested and obtained (see Section IV.6 below for additional information). The waiver must be documented in writing (emails are acceptable), *before* submitting a paper application. A copy of the written approval must be submitted along with the hardcopy that is mailed to the DGM. Once the waiver request has been approved, the applicant will receive a confirmation of approval and the mailing address to submit the application. Paper applications that are submitted without a waiver from the Acting Director of DGM will not be reviewed or considered further for funding. The applicant will be notified via email of this decision by the Grants Management Officer of DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant.
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. If a Primary applicant plans to include Sub-grantees under their project, the Primary applicant is responsible for ensuring that all Sub-grantee applications are completed, signed and submitted along with their Primary application by the deadline date listed in the Key Dates Section of page one of this announcement. The Primary applicant is also responsible for describing what role the Sub-grantee will have in assisting them with completing the goals and objectives of the program. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Please include a clear justification for the need to deviate from the standard electronic submission process.
- If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline

Date listed in the Key Dates section on page one of this announcement.

- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this Funding Announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the ODSCT will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on sub-awards. Accordingly, all IHS grantees must notify potential first-tier sub-recipients that no entity may receive a first-tier sub-award unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration (CCR) and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The ten page narrative per each component should include only one year of activities. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (15 points)

1. Describe the individual entity's and/or partnering entities' (as applicable) current health, education and technical assistance operations as related to the broad spectrum of health needs of the AI/AN community. Include what programs and services are currently provided (i.e., Federally funded, State funded, etc.), any memorandums of agreement with other National, Area or local Indian health board organizations, HHS' agencies that rely on the applicant as the primary gateway organization that is capable of providing the dissemination of health information, information regarding technologies currently used (i.e., hardware, software, services, etc.), and identify the source(s) of technical support for those technologies (i.e., in-house staff, contractors, vendors, etc.). Include information regarding how long the applicant has been operating and its length of association/partnerships with Area health boards, etc. [historical collaboration].

2. Describe the organization's current technical assistance ability. Include what programs and services are currently provided, programs and services projected to be provided, etc.

3. Describe the population to be served by the proposed project. Include a description of the number of Tribes and Tribal members who currently benefit from the technical assistance provided by the applicant.

4. State how previous cooperative agreement funds facilitated education, training and technical assistance nation-wide for AI/ANs and relate the progression of health care information delivery and development relative to the current proposed project. (Copies of reports will not be accepted.)

5. Describe collaborative and supportive efforts with national, Area and local Indian health boards.

6. Describe how the project relates to the purpose of the cooperative agreement by addressing the following: Identify how the proposed project will address the changes and requirements of the Acts.

B. Project Objective(s), Work Plan and Approach (45 points)

1. Proposed project objectives must be:

a. Measurable and (if applicable) quantifiable.

b. Results oriented.

c. Time-limited.

2. Submit a work-plan in the appendix which includes the following information:

a. Provide the action steps on a timeline for accomplishing the proposed project objective(s).

b. Identify who will perform the action steps.

c. Identify who will supervise the action steps taken.

d. Identify what tangible products will be produced during and at the end of the proposed project objective(s).

e. Identify who will accept and/or approve work products during the duration of the proposed project and at the end of the proposed project.

f. Include any training that will take place during the proposed project and who will be attending the training.

g. Include evaluation activities planned.

3. If consultants or contractors will be used during the proposed project, please include the following information in

their scope of work (or note if consultants/contractors will not be used):

a. Educational requirements.

b. Desired qualifications and work experience.

c. Expected work products to be delivered on a timeline.

d. If a potential consultant/contractor has already been identified, please include a resume in the Appendix.

C. Program Evaluation (15 points)

Each proposed objective requires an evaluation component to assess its progression and ensure its completion. Also, include the evaluation activities in the work-plan. Describe the proposed plan to evaluate both outcomes and process. Outcome evaluation relates to the results identified in the objectives, and process evaluation relates to the work-plan and activities of the project.

1. For outcome evaluation, describe:

a. What the criteria will be for determining success of each objective.

b. What data will be collected to determine whether the objective was met.

c. At what intervals will data be collected.

d. Who will collect the data and their qualifications.

e. How the data will be analyzed.

f. How the results will be used.

2. For process evaluation, describe:

a. How the project will be monitored and assessed for potential problems and needed quality improvements.

b. Who will be responsible for monitoring and managing project improvements based on results of ongoing process improvements and their qualifications.

c. How ongoing monitoring will be used to improve the project.

d. Any products, such as manuals or policies, that might be developed and how they might lend themselves to replication by others.

3. How the project will document what is learned throughout the project period. Describe any evaluation efforts that are planned to occur after the grant periods ends.

4. Describe the ultimate benefit for the AI/ANs that will be derived from this project.

D. Organizational Capabilities, Key Personnel and Qualifications (15 points)

1. Describe the organizational structure of the organization.

2. Describe the ability of the organization to manage the proposed project. Include information regarding similarly sized projects in scope and financial assistance as well as other cooperative agreements/grants and projects successfully completed.

3. Describe what equipment (i.e., fax machine, phone, computer, etc.) and facility space (i.e., office space) will be available for use during the proposed project.

4. List key personnel who will work on the project. Include title used in the work-plan. In the appendix, include position descriptions and resumes for all key personnel. Position descriptions should clearly describe each position and duties, indicating desired qualifications and experience requirements related to the proposed project. Resumes must indicate that the proposed staff member is qualified to carry out the proposed project activities. If a position is to be filled, indicate that information on the proposed position description.

E. Categorical Budget and Budget Justification (10 points)

1. Provide a categorical budget for 12-month budget period requested.

2. If indirect costs are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the appendix.

3. Provide a narrative justification explaining why each line item is necessary/relevant to the proposed project. Include sufficient cost and other details to facilitate the determination of cost allowability (i.e., equipment specifications, etc.).

Appendix Items

- Work plan, logic model and/or timeline for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart
- Additional documents to support narrative (i.e. data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. Applicants will be notified by DGM, via email, to outline minor missing components (i.e., signature on the SF–424, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation. If an applicant receives less than a minimum score, it will be considered to be ''Disapproved'' and will be informed via email by the IHS Program Office of their application's deficiencies. A summary statement outlining the strengths and weaknesses of the application will be provided to each disapproved applicant. The summary statement will be sent to the Authorized Organizational Representative that is identified on the face page (SF–424), of the application within 30 days of the completion of the Objective Review.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval, 60 points, and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the weaknesses and strengths of their application submitted. The IHS program office will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved'', but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of

FY 2013, the approved application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:
- 45 CFR part 92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments.
- 45 CFR part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, and other Non-profit Organizations.

C. Grants Policy:
- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:
- 2 CFR part 225—Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87).
- 2 CFR part 230—Cost Principles for Non-Profit Organizations (OMB Circular A–122).

E. Audit Requirements:
- OMB Circular A–133, Audits of States, Local Governments, and Non-profit Organizations.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm.* For questions regarding the indirect cost policy, please call (301) 443–5204 to request assistance.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) the imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Reports must be submitted electronically via GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually, within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Division of Payment Management, HHS at: *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organizations.

Grantees are responsible and accountable for accurate information being reported on all required reports: the Progress Reports and Federal Financial Report.

C. Federal Subaward Reporting System (FSRS)

This award may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 subaward obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: 1) the project period start date was October 1, 2010 or after and 2) the primary awardee will have a $25,000 subaward obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the Grants Management Grants Policy Web site at: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

Telecommunication for the hearing impaired is available at: TTY (301) 443–6394.

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to:

Mr. Chris Buchanan, Director, ODSCT, 801 Thompson Avenue, Suite 220, Rockville, Maryland 20852, Telephone: (301) 443–1104, Fax: (301) 443–4666, E-Mail: *Chris.Buchanan@ihs.gov.*

2. Questions on grants management and fiscal matters may be directed to:

Mr. Andrew Diggs, Grants Management Specialist, 801 Thompson Avenue, TMP Suite 360, Rockville, Maryland

20852, Telephone: (301) 443–5204, Fax: (301) 443–9602, E-Mail: *Andrew.Diggs@ihs.gov.*

3. Questions on systems matters may be directed to:

Mr. Paul Gettys, Grant Systems Coordinator, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 443–9602, E-Mail: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Date: August 16, 2013.

Yvette Roubideaux,

Acting Director, Indian Health Service.

[FR Doc. 2013–20535 Filed 8–22–13; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

The National Children's Study, Vanguard (Pilot) Study Proposed Collection; 60-day Comment Request

SUMMARY: 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 *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and For Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Sarah L. Glavin, Deputy Director, Office of Science Policy, Analysis and Communication, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 31 Center Drive, Room 2A18, Bethesda, Maryland 20892, or call a non-toll free number (301) 496–7898 or Email your request, including your address to *glavins@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: The National Children's Study, Vanguard (Pilot) Study, 0925–0593, Expiration 8/31/2014—Revision, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of this request is to continue data collection activities for the NCS Vanguard Study and receive a renewal of the Vanguard Study clearance. The NCS also proposes the initiation of a new enrollment cohort, the addition of new Study visits, revisions to existing Study visits, and the initiation of methodological substudies. The NCS Vanguard Study is a prospective, longitudinal pilot study of child health and development that will inform the design of the Main Study of the National Children's Study.

Background: The National Children's Study is a prospective, national longitudinal study of the interaction between environment, genetics on child health, and development. The Study defines ''environment'' broadly, taking a number of natural and man-made environmental, biological, genetic, and psychosocial factors into account. Findings from the Study will be made available as the research progresses, making potential benefits known to the public as soon as possible. The National Children's Study (NCS) has several components, including a pilot or Vanguard Study, and a Main Study to collect exposure and outcome data.

The NCS Vanguard Study continues to follow the children and families enrolled in the Vanguard Study, conducting Study visits in participants' homes and over the telephone. Data Collection visits may include the administration of questionnaires, neurodevelopmental assessments, physical measures, and the collection of biospecimens and environmental measures. The Vanguard Study has yielded valuable data and field experience related to participant recruitment, the conduct of Study assessments, and operational requirements associated with NCS infrastructure and field efforts. The purpose of the proposed data collection is to obtain further operational and performance data on processes and administration Study visit measures.

Research Questions: The primary research goal is to systematically pilot additional study visit measures and collections for scientific robustness, burden to participants and study infrastructure, and cost for use in the Vanguard (Pilot) Study and to inform the Main Study. A secondary goal is to increase enrollment in the Vanguard Study through the identification of subsequent pregnancies among enrolled women.

Methods: The NCS Vanguard Study data collection schedule includes pre-pregnancy, pregnancy, and birth periods, as well as post-natal collection points at defined intervals between 3 and 60 months. We propose to add or modify the selected measures below to address analytic goals of assessing feasibility, acceptability, and cost of specific study visit measures.

Enrollment of Sibling Birth Cohort: We will enroll approximately 1,000 sibling births identified among currently enrolled women. Following new pregnancies will allow us to pilot the collection of biospecimens, environmental samples, and standardized neurodevelopmental assessments on sufficient numbers of participants to understand what activities are feasible in specific settings, participants' willingness to complete requested measures, and whether measures are useful and scalable. Participants will be administered the same protocol as approved for the NCS Vanguard Study by the Office of Information and Regulatory Affairs within the Office of

Management and Budget, including the collection of environmental samples, biospecimens and physical measurements during pre-pregnancy and pre- and post-natal visits. Those who report that they are trying to conceive will be initially administered the protocols approved for preconception data collection. Others who self-report a pregnancy at a later time will receive pregnancy visit instrumentation and collections.

Supplemental Information Collections

Core Questionnaire: We propose a revised core questionnaire containing key variables and designed to collect core data at every study visit contact from the time that the enrolled child is 6 months of age to the time the child is 5 years of age.

Age-Specific Modular Questionnaires: At each Study visit, participants will be administered brief questionnaire modules that include measures relevant to the specific age of the enrolled child.

Biospecimen Collections: Microbiome swabs will be collected from NCS children from the nasal cavity, inside of the elbow, and rectum at two time points. Shed deciduous teeth will be collected from NCS children beginning at age five. Instructions on retrieval and shipment and to postage-paid shipping materials will be provided to participants. We propose to provide $10 per shed deciduous tooth collected and shipped.

Environmental Sample Collection: Noise measurements will be taken at the homes of randomly-selected enrolled participants. With their consent, their homes will be equipped with a noise meter and measured for noise levels at various time intervals, and data collectors will ask questions about the source and frequency of noise they encounter at home.

Physical Measures: BIA, or bioelectrical impedance analysis, is a non-invasive method for estimation of body composition including Body Mass Index. BIA will be measured on a small subsample of approximately 200 NCS children. For comparison, conventional skinfold measurements using previously approved and implemented protocols will be collected. Physical activity in children will be measured with accelerometers at three data collection points with a subsample of approximately 600 NCS enrolled children. Participants will be asked to wear the Actigraph GT3X-plus physical activity monitor on their wrist for a 7-day period. Once the monitor has been returned, a check for $25 will be mailed to the participant as a token of appreciation for their time. Pulmonary function will be measured at age five through spirometry, a simple, non-invasive method.

NIH Toolbox Measures: The NIH Toolbox (*www.nihtoolbox.org*) is a series of short assessments designed to measure emotional, cognitive, sensory, and motor function in children as young as age three.

Assessing Participant Experience: NCS participants will be asked to complete self-administered questionnaires designed to assess feelings towards the NCS and motivation to be engaged in research. Through the use of these instruments, the NCS aims to maintain positive relationships with participants and allow them to provide useful feedback about the Study, its procedures and perceived value to them, their families, and communities.

Retrospective Pregnancy Questionnaire: Women who joined the NCS after the birth of the enrolled child will be asked to complete a Retrospective Pregnancy Questionnaire designed to collect prenatal medical information.

OMB approval is requested for 3 years. The additional annualized cost to respondents over the 3 year data collection period is estimated at an annualized cost of $633,541 (based on $10 per hour). The total estimated annualized burden hours are 63,354 hours (see Table 1).

ESTIMATED ANNUALIZED BURDEN HOURS FOR VANGUARD (PILOT) STUDY RESPONDENTS, STUDY VISITS THROUGH 60 MONTHS OF AGE OF THE CHILD

Data collection activity	Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response (in hrs)	Estimated total annual burden hours
Screening Activities:					
Pregnancy Status Screener (Sibling Birth Cohort) (9M to 60M).	Biological Mother	1,072	10	3/60	536
Retrospective Pregnancy Screener (Birth or 3M or 6M).	Biological Mother	422	1	39/60	274
Continuous Activities:					
Participant Verification, Scheduling, & Tracing Interview (PVST) (PV1 to 60M).	Biological Mother, Primary Caregiver, Secondary Caregiver, Adult Caregiver-Identified Father.	843	15	9/60	1,898
Parent-Caregiver Death Questionnaire (3M to 60M).	Secondary Caregiver	3	1	2/60	0.17
Child Death Questionnaire (3M to 60M)	Primary Caregiver	4	1	3/60	0.22
Participant Information Update SAQ—Incentive Substudy (24M to 60M).	Primary Caregiver, Secondary Caregiver.	1,292	7	3/60	754
Validation Questionnaire (Pre-Pregnancy to 60M).	Primary Caregiver, Secondary Caregiver.	818	16	5/60	436
Non-Interview Respondent (NIR) SAQ (Pre-Pregnancy to 60M).	Biological Mother, Primary Caregiver, Secondary Caregiver, Adult Caregiver-Identified Father.	998	1	5/60	83
Preconception Activities:					
Pre-Pregnancy Interview	Biological Mother	440	1	40/60	293
Adult-Focused Biospecimen Collection—Blood & Urine.	Biological Mother, Primary Caregiver, Secondary Caregiver.	352	1	24/60	141
Pregnancy Probability Group Follow-up	Biological Mother	440	1	15/60	110

ESTIMATED ANNUALIZED BURDEN HOURS FOR VANGUARD (PILOT) STUDY RESPONDENTS, STUDY VISITS THROUGH 60 MONTHS OF AGE OF THE CHILD—Continued

Data collection activity	Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response (in hrs)	Estimated total annual burden hours
Prenatal Activities:					
Pregnancy Visit 1 Interview	Biological Mother, Primary Caregiver, Secondary Caregiver.	333	1	38/60	211
Pregnancy Visit 2 Interview	Biological Mother	333	1	16/60	89
Adult-Focused Biospecimen Collection—Blood & Urine (PV1, PV2).	Biological Mother, Primary Caregiver, Secondary Caregiver.	267	2	24/60	213
Environmental Sample Collection—Vacuum Bag Dust (PV1).	Primary Caregiver, Secondary Caregiver.	283	1	3/60	14
Father Pre-Natal Interview (PV1 or PV2).	Adult-Caregiver Identified Father.	317	1	29/60	153
Pregnancy Health Care Log (PV1 or PV2).	Biological Mother	333	1	5/60	28
Pregnancy Loss, Stillbirth, & Neonatal Death Interview.	Biological Mother	13	1	35/60	8
Birth-Related Activities:					
Birth Interview	Primary Caregiver, Secondary Caregiver.	317	1	15/60	79
Pregnancy Loss, Stillbirth, & Neonatal Death Interview.	Biological Mother	13	1	35/60	7
Adult-Focused Biospecimen Collection—Blood, Urine, Cord Blood, Breast Milk, & Placenta.	Biological Mother, Primary Caregiver, Secondary Caregiver.	253	1	34/60	144
	Child	253	1	3/60	13
Child-Focused Biospecimen Collection—Infant Blood Spot & Microbiome Swab.	Primary Caregiver, Secondary Caregiver.	253	1	20/60	84
Postnatal Activities:					
Infant Child Health Care Log (Birth to 60M).	Primary Caregiver, Secondary Caregiver.	2,050	1	5/60	171
3-Month Interview	Biological Mother, Primary Caregiver, Secondary Caregiver.	475	1	39/60	309
Adult-Focused Biospecimen Collection—Breast Milk, Blood, Urine, & Saliva (3M, 6M, 12M, 36M, 60M).	Biological Mother, Primary Caregiver, Secondary Caregiver.	807	11	43/60	6,364
6-Month Interview	Primary Caregiver, Secondary Caregiver.	475	1	38/60	301
Core Questionnaire—Child, Adult Caregiver, & Household (6M to 60M, except 9M).	Primary Caregiver, Secondary Caregiver.	1,064	10	30/60	5,320
Child-Focused Biospecimen Collection—Urine, Blood, Saliva, Microbiome Swab & Teeth (6M, 12M, 36M, 48M, 60M).	Biological Mother, Primary Caregiver, Secondary Caregiver.	900	12	67/60	12,064
9-Month Interview	Primary Caregiver, Secondary Caregiver.	554	1	5/60	46
Father/Father Figure Post-Natal Questionnaire (9M or 18M).	Adult-Caregiver Identified Father.	558	1	17/60	158
12-Month Interview	Primary Caregiver, Secondary Caregiver.	554	1	45/60	416
Child-Focused Physical Measures—Anthropometry, Blood Pressure, Vision Screening, Lung Function, & Motor Skills (6M, 12M, 24M, 36M, 48M, 60M).	Primary Caregiver, Secondary Caregiver.	952	15	63/60	14,989
Environmental Sample Collection—Vacuum Bag Dust, Indoor and Outdoor Visual Observations, & Dust Wipes (12M, 36M, 48M, 60M).	Primary Caregiver, Secondary Caregiver.	1,046	14	15/60	3,660
18-Month Interview	Primary Caregiver, Secondary Caregiver.	562	1	47/60	440
24-Month Interview	Primary Caregiver, Secondary Caregiver.	1,046	1	30/60	523
30-Month Interview	Primary Caregiver, Secondary Caregiver.	1,009	1	59/60	992

ESTIMATED ANNUALIZED BURDEN HOURS FOR VANGUARD (PILOT) STUDY RESPONDENTS, STUDY VISITS THROUGH 60 MONTHS OF AGE OF THE CHILD—Continued

Data collection activity	Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response (in hrs)	Estimated total annual burden hours
36-Month Interview	Primary Caregiver, Secondary Caregiver.	1,434	1	94/60	2,247
42-Month Interview	Primary Caregiver, Secondary Caregiver.	1,325	1	47/60	1,038
48-Month Interview	Primary Caregiver, Secondary Caregiver.	1,380	1	103/60	2,369
54-Month Interview	Primary Caregiver, Secondary Caregiver.	1,431	1	23/60	549
60-Month Interview	Primary Caregiver, Secondary Caregiver.	1,421	1	103/60	2,439
Subsample Studies:					
Noise (36M, 60M)	Primary Caregiver, Secondary Caregiver.	200	2	17/60	113
Bioelectrical Impedance Analysis (BIA) (48M, 60M).	Primary Caregiver, Secondary Caregiver.	67	2	5/60	11
Physical Activity (Accelerometer) (36M, 48M, 60M).	Primary Caregiver, Secondary Caregiver.	200	3	43/60	430
Total Vanguard (Pilot) Study					60,519
Total Formative Research		2,835			2,835
Grand Total Vanguard (Pilot) Study		29,166			63,354

Dated: August 14, 2013.

Sarah L. Glavin,

Deputy Director, Office of Science Policy, Analysis, and Communications Eunice Kennedy Shriver National Institute of Child Health and Human Development National Institutes of Health.

[FR Doc. 2013–20549 Filed 8–22–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Mental Health Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Mental Health Council.

Date: September 19, 2013.

Open: 8:30 a.m. to 2:00 p.m.

Agenda: Presentation of NIMH Director's report and discussion of NIMH program and policy issues.

Place: National Institutes of Health (NIH), Neuroscience Center, 6001 Executive Boulevard, Conference Room C/D/E, Rockville, MD 20852.

Closed: 2:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Conference Room C/D/E, Rockville, MD 20852.

Contact Person: Jane A. Steinberg, Ph.D., Director, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9609, 301–443–5047.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nimh.nih.gov/about/advisory-boards-and-groups/namhc/index.shtml,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: August 16, 2013.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–20560 Filed 8–22–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group, Neuroscience of Aging Review Committee.

Date: October 10–11, 2013.

Time: 4:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jeannette Johnson, Scientific Review Officer, National Institutes of Health, 7201 Wisconsin Ave., Bethesda, MD 20814, 3014027705, *johnsonj9@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 19, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–20562 Filed 8–22–13; 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: Behavioral Interventions, Obesity, and Health Outcomes.

Date: September 23, 2013.

Time: 2:00 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 Ann Guadagno, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7770, Bethesda, MD 20892, (301) 451–8011, *guadagma@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Chronic Dysfunction and Integrative Neurodegeneration Study Section.

Date: September 26–27, 2013.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7846, Bethesda, MD 20892–7846, 301–435–1236, *zhaow@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group, Health Disparities and Equity Promotion Study Section.

Date: September 26–27, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 4300 Military Road, Washington DC, DC 20015.

Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group, Nanotechnology Study Section.

Date: September 26–27, 2013.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: James J Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@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: August 19, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–20563 Filed 8–22–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Scientific Management Review Board.

The NIH Reform Act of 2006 (Pub. L. 109–482) provides organizational authorities to HHS and NIH officials to: (1) Establish or abolish national research institutes; (2) reorganize the offices within the Office of the Director, NIH including adding, removing, or transferring the functions of such offices or establishing or terminating such offices; and (3) reorganize, divisions, centers, or other administrative units within an NIH national research institute or national center including adding, removing, or transferring the functions of such units, or establishing or terminating such units. The purpose of the Scientific Management Review Board (also referred to as SMRB or Board) is to advise appropriate HHS and NIH officials on the use of these organizational authorities and identify the reasons underlying the recommendations.

The meeting will be open to the public through teleconference at the number listed below.

Name of Committee: Scientific Management Review Board.

Date: September 18, 2013.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: This meeting will focus on the deliberations and preliminary findings of the SMRB's Value of Biomedical Research Working Group. Further information regarding this meeting, including the agenda, will be available at *http://smrb.od.nih.gov.* Time will be allotted on the agenda for public comment. To sign up for public comment, please submit your name and affiliation to the Contact Person listed below by September 17, 2013. Sign up will be restricted to one sign up per email. In the event that time does not allow for all those interested to present oral comments, anyone may file written comments with the committee through the Contact Person listed below. The statement should include the name, address, telephone number, and when applicable, the business or professional affiliation of the interested person.

The toll-free number to participate in the teleconference is 800–369–1872. Indicate to the conference operator that your Participant pass code is ''SMRB.'' The draft meeting agenda, meeting materials, and other information about the SMRB, will be available at *http://smrb.od.nih.gov.*

Place: National Institutes of Health, Office of the Director, NIH, Office of Science Policy, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Juanita Marner, Office of Science Policy, Office of the Director, NIH, National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, *smrb@mail.nih.gov,* (301) 435–1770.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: August 19, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–20561 Filed 8–22–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2013–0058]

Privacy Act of 1974; Department of Homeland Security/ALL–035 Common Entity Index Prototype 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 establish a new Department of Homeland Security system of records titled, ''Department of Homeland Security/ALL—035 Common Entity Index Prototype System of Records.'' This system of records allows the Department of Homeland Security to correlate identity data from select component-level systems and organizes key identifiers that the Department of Homeland Security has collected about that individual. This correlation and consolidation of identity data will facilitate DHS's ability to carry out its missions with appropriate access control. DHS is building a prototype with an initial set of data for testing and evaluation purposes. If the system passes the testing and evaluation stage and DHS moves to an operational system, either this system will be updated or a new system of records notice will be published.

DATES: Submit comments on or before September 23, 2013. This new prototype system will be effective September 23, 2013.

ADDRESSES: You may submit comments, identified by docket number DHS–2013–0058 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 questions, 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) proposes to establish a new DHS system of records titled, ''DHS/ALL—035 Common Entity Index Prototype (CEI Prototype).''

The purpose of this prototype is to determine the feasibility of establishing a centralized index of select biographic information that will allow DHS to provide a consolidated and correlated record, thereby facilitating and improving DHS's ability to carry out its national security, homeland security, law enforcement, and benefits missions. The ability to perform this task across multiple data sets increases the speed and efficiency of this work and contributes to DHS's readiness and effectiveness in carrying out its national security, homeland security, law enforcement, and benefits missions.

Since 2007, DHS has operated under the ''One DHS'' policy that was implemented to afford DHS personnel timely access to the relevant and necessary homeland-security information they need to successfully perform their duties. Since this information is subject to privacy, civil rights and civil liberties, and other legal protections, DHS personnel requesting such information must: (1) Have an authorized purpose, authorized mission, and need to know for accessing the information in the performance of his or her duties; (2) possess the requisite security clearance; and (3) assure adequate safeguarding and protection of the information. In the past, however, this access was limited, time intensive, and required personnel to log on and query separate databases in order to determine the extent of DHS holdings pertaining to a particular individual.

The CEI Prototype will expedite this time-consuming process by correlating identity information from select DHS source system data sets, resolving differences in the data, and consolidating the data as a more comprehensive identity record about an individual, including reference to the relevant source system records. The correlations to be made will be based on biographic linkages contained within the source system data. The CEI Prototype is being tested and evaluated by DHS to determine whether it can successfully result in a more authoritative and complete biographic picture of the individual about whom information is sought. The resulting correlation will be maintained in the CEI Prototype system of records.

The CEI Prototype will correlate biographic data, including full name, date of birth, country of birth, government issued document number(s), phone number, physical address, and email address when available in the source systems. This information will be organized into an updated, common record pertaining to a specific individual. The CEI Prototype thus provides a consolidated, correlated identity record derived from DHS holdings that can then be evaluated for a specific purpose or DHS mission activity. The CEI Prototype uses technical access controls to provide results to a user's query that are based on that user's need to know.

This approach ensures the appropriate privacy, policy, and safeguarding requirements are applied to the new record. The DHS Privacy Office, Office for Civil Rights and Civil Liberties, Office of the General Counsel, and Office of Policy, in coordination with DHS components, will provide policy recommendations and/or oversight of the correlation process, and

evaluate the effectiveness of the prototype.

Initially, DHS will use certain biographic data elements and necessary meta data from the following source data sets to populate the CEI Prototype: (1) U.S. Customs and Border Protection (CBP)'s Electronic System for Travel Authorization (ESTA), covered by the DHS/CBP–009—Electronic System for Travel Authorization (ESTA) SORN (July 30, 2012, 77 FR 44642); (2) U.S. Immigration and Customs Enforcement (ICE)'s Student and Exchange Visitor Information System (SEVIS), covered by the DHS/ICE–001—Student and Exchange Visitor Information System SORN (January 5, 2010, 75 FR 412); and (3) U.S. Transportation Security Administration (TSA)'s Alien Flight Student Program (AFS), covered by the DHS/TSA–002—Transportation Security Threat Assessment System SORN (May 19, 2010, 75 FR 28046). These three data sets were identified for the prototype in order to demonstrate how data sets from different components can be correlated while maintaining appropriate access controls. If additional data sets are added to the CEI Prototype, this SORN will be updated. If, based on the results of the CEI prototype, DHS creates an operational system, either this SORN will be updated or a new SORN will be published.

For the CEI Prototype, DHS has published limited routine uses but none that are intended to allow mission-related sharing for national security, homeland security, law enforcement, and benefits purposes. Such sharing is not appropriate for a prototype. The information contained in the CEI Prototype may be shared from the source system pursuant to the appropriate routine uses.

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 unique identifier particular 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/ALL—035 Common Entity Index Prototype 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)/ALL–035.

SYSTEM NAME:

DHS/ALL–035 Common Entity Index Prototype (CEI Prototype).

SECURITY CLASSIFICATION:

Sensitive and unclassified.

SYSTEM LOCATION:

Records are maintained at the DHS Headquarters in Washington, DC, DHS data centers in Stennis, Mississippi, and in locations where DHS and its components conduct business.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include:

(1) foreign nationals who may seek to enter the United States by air or sea under the Visa Waiver Program;

(2) prospective, current, and former non-immigrants to the United States on an F–1, M–1, or J–1 class of admission and their dependents who have been admitted under an F–2, M–2, or J–2 class of admission (collectively, F/M/J non-immigrants);

(3) a proxy, parent or guardian of an F/M/J nonimmigrant; and

(4) aliens or other individuals designated by DHS/Transportation Security Administration (TSA), including lawful permanent residents (LPR), who apply for flight training or recurrent training.

F nonimmigrants are foreign students pursuing a full course of study in a college, university, seminary, conservatory, academic high school, private elementary school, other academic institution, or language training program in the United States (U.S.) that Student and Exchange Visitor Program (SEVP) has certified to enroll foreign students. M nonimmigrants are foreign students pursuing a full course of study in a vocational or other recognized nonacademic institution (e.g., technical school) in the U.S. that SEVP has certified to enroll foreign students. J nonimmigrants are foreign nationals selected by a sponsor that the Department of State (DOS) has designated to participate in an exchange visitor program in the U.S.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Correlation created by the Common Entity Index Prototype includes

- Identity information;
- Meta Data related to the
  - source system name,
  - system identification number to tie the biographic information back to the source system record, and
  - date the record was ingested into the CEI Prototype.

(2) Source system data elements:

- Full Name;
- Alias(es);
- Gender;
- Date of Birth;
- Country of Birth;
- Country of Citizenship;
- Phone Number;
- Physical Address;
- Email Address;
- Fingerprint Identification Number; and
- Document Type, Number, Date, and Location of Issuance for the following types of government issued documents:
  - Passport;
  - Driver's License;
  - Electronic System for Travel Authorization (ESTA);
  - Student and Exchange Visitor Information System (SEVIS) ;
  - Alien Registration; and
  - Visa.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Homeland Security Act, 6 U.S.C. 343; Clinger-Cohen Act of 1996, Public Law 104–106, codified at 40 U.S.C. 11101, et. seq.

PURPOSE(S):

The purpose of this prototype is to determine the feasibility of establishing a centralized index of select biographic information that will allow DHS to provide a consolidated and correlated identity, thereby facilitating and improving DHS's ability to carry out its national security, homeland security, law enforcement, and benefits missions.

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, except, to the extent any of the data contained in the CEI Prototype relates to refugees, asylum seekers, and asylees, such information may not be

disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3), but is subject, as a matter of policy, to the confidentiality provisions of 8 CFR 208.6.

A. To the Department of Justice (DOJ), including U.S. Attorney Offices, or other federal agencies 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 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; and

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's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

E. 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.

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 in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, or digital media.

RETRIEVABILITY:

Records may be retrieved by name or any other unique identifier assigned to the individual.

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 CEI Prototype ingests data from source systems, and correlates the data into a CEI Prototype identity. Ingested data is retained in CEI Prototype for no longer than the record retention requirements of the source systems. The CEI Prototype creates a correlated identity that is dynamic not static. The ingested data elements that make up that identity will be subject to the records retention schedules of the source systems from which they came. By design, the deletion or correction of these elements at the appropriate time will affect the correlated record. For example, if a student updates his/her contact information, the correlation will be updated.

SYSTEM MANAGER AND ADDRESS:

Executive Director, DHS Information Sharing Environment Office, Department of Homeland Security, 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 Headquarters FOIA Officer, whose contact information can be found on the Department's official Web site at *http://www.dhs.gov/foia* under ''Contacts.'' 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, on the Department's official Web site at *http://www.dhs.gov/foia* or by calling toll free 1–866–431–0486. In addition, you should:

- Explain why you believe the Department would have information on you; and
- Specify when you believe the records would have been created.

If seeking records pertaining to another living individual, include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, DHS 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:

Initially, DHS will use the following source data sets to populate CEI Prototype: (1) CBP's ESTA, covered by the DHS/CBP–009—Electronic System for Travel Authorization (ESTA) SORN (July 30, 2012, 77 FR 44642); (2) ICE's SEVIS, covered by the DHS/ICE–001—Student and Exchange Visitor Information System SORN (January 5, 2010, 75 FR 412); and (3) TSA's AFS, covered by the DHS/TSA–002—Transportation Security Threat Assessment System SORN (May 19,

2010, 75 FR 28046). If additional data sets are added to CEI Prototype, this SORN will be updated. If deployed for operational use, additional data sources may be used. DHS will update this SORN or issue a new SORN prior to the operational use of the system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The records maintained in the CEI Prototype are the non-exempt portions of the records in the source systems because the information ingested into the CEI Prototype is the information provided directly by the individual for the requested benefit. When a record received from another system has been exempted in that source system under 5 U.S.C. 552a(j)(2) or (k)(1), (k)(2), or (k)(5), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated.

Dated: August 14, 2013.

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2013–20635 Filed 8–22–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Saybolt, LP, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt, LP, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt, LP, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of May 22, 2013.

DATES: *Effective Dates:* The accreditation and approval of Saybolt, LP, as commercial gauger and laboratory became effective on May 22, 2013. The next triennial inspection date will be scheduled for May 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, Saybolt, LP, 1123 Highway 43, Saraland, AL 36571, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf*

Dated: August 14, 2013.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–20558 Filed 8–22–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of May 23, 2012.

DATES: *Effective Dates:* The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on May 23, 2012. The next triennial inspection date will be scheduled for May 2015.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that SGS North America, Inc., 151 James Drive West, St. Rose, LA 70087, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.*

Dated: August 14, 2013.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–20559 Filed 8–22–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for

customs purposes for the next three years as of February 20, 2013.

DATES: *Effective Dates:* The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on February 20, 2013. The next triennial inspection date will be scheduled for February 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that SGS North America, Inc., 235 Marginal St., Chelsea, MA 02150, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.*

Dated: August 14, 2013.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–20556 Filed 8–22–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of SGS North America, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of SGS North America, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of January 24, 2013.

DATES: *Effective Dates:* The approval of SGS North America, Inc., as commercial gauger became effective on January 24, 2013. The next triennial inspection date will be scheduled for January 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that SGS North America, Inc., 2301 Brazosport Blvd., Suite A 915, Freeport, TX 77541, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf*

Dated: August 14, 2013.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–20557 Filed 8–22–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–77]

30-Day Notice of Proposed Information Collection: Section 811 Project Rental Assistance (PRA) for Persons With Disabilities

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 23, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 27, 2013.

A. Overview of Information Collection

Title of Information Collection: Section 811 Project Rental Assistance (PRA) for Persons with Disabilities.

OMB Approval Number: 2502–New.

Type of Request: New collection .

Form Number: SF–424, SF–424 Supplement, SF–LLL, HUD–2880, HUD–424CB, HUD–2993, HUD–2990, HUD–96011, HUD–2994–A, HUD–96010.

Description of the need for the information and proposed use: The collection of this information is necessary to the Department to assist HUD in determining applicant eligibility and ability to develop housing for persons with disabilities within statutory and program criteria. A thorough evaluation of an applicant's submission is necessary to protect the government's financial interest.

Estimation of the total numbers of hours needed to prepare the information

collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 12,859. The number of respondents is 140, the number of responses is 140, the frequency of response is on occasion, and the burden hour per response is 91.85.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 15, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–20619 Filed 8–22–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–76]

30-Day Notice of Proposed Information Collection: Capital Advance Section 811 Grant Application for Supportive Housing for Persons With Disabilities

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 23, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 22, 2013.

A. Overview of Information Collection

Title of Information Collection: Capital Advance Section 811 Grant Application for Supportive Housing for Persons with Disabilities.

OMB Approval Number: 2502–0462.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–92041, HUD–92042, HUD–92043, SF–424, SF424SUP, SF–LLL, HUD 92016 CA, HUD–2990, HUD 2991, HUD 96011, HUD 96010, HUD–2880.

Description of the need for the information and proposed use: The collection of this information is necessary to the Department to assist HUD in determining applicant eligibility and ability to develop housing for persons with disabilities within statutory and program criteria. A thorough evaluation of an applicant's submission is necessary to protect the government's financial interest.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 12,859. The number of respondents is 140, the number of responses is 140, the frequency of response is on occasion, and the burden hour per response is 91.85.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 15, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–20621 Filed 8–22–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–74]

30-Day Notice of Proposed Information Collection: Multifamily Mortgagee's Application for Insurance Benefits

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 23, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 9, 2013.

A. Overview of Information Collection

Title of Information Collection: Multifamily Mortgagee's Application for Insurance Benefits.

OMB Approval Number: 2502–0419.

Type of Request: Extension of a currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: A lender with an insured multifamily mortgage pays an annual insurance premium to the Department. When and if the mortgage goes into default, the lender may elect to file a claim for insurance benefits with the Department. A requirement of the claims process is the submission of an application for insurance benefits. Form HUD 2747, Mortgagee's Application for Insurance Benefits (Multifamily Mortgage), satisfies this requirement.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of annual burden hours is 9, the number of respondents is 110 per year, the frequency of response is on occasion, and the burden hour per response is .08.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 15, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–20628 Filed 8–22–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–34]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Office of Enterprise Support Programs, Program Support Center, HHS, Room 12–07, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other

purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426; (These are not toll-free numbers).

Dated: August 15, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 08/23/2013

Suitable/Available Properties

Building

California

Subase, Naval Base Point Loma
200 Catalina Blvd.
San Diego CA 92106
Landholding Agency: Navy
Property Number: 77201330014
Status: Excess
Comments: Facility w/in controlled perimeter of a DoD installation; public access denied & no alter method to gain access w/out compromising nat'l security.

Oregon

Crescent Office-East Modular
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330016
Status: Excess
Comments: 1,202 sf. 31 yrs.-old; poor conditions; existing federal need

Crescent Office, FS ID 2005
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330018
Status: Excess
Comments: 2,400 sf. 56 yrs.-old; poor conditions; existing federal need

Crescent Office-BM Modular, FS
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330019
Status: Excess
Comments: 3,608 sf.; 27 yrs.-old; poor conditions; existing federal need

Crescent Wellness Building, FS
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330020
Status: Excess
Comments: 640 sf. fitness ctr. 78 yrs.-old; poor conditions; existing federal need

Crescent RS Bunkhouse, FS ID
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330021
Status: Excess
Comments: 1,056 sf. fair conditions; 66 yrs.-old; poor conditions; existing federal need

Crescent Fire Bunkhouse, FS ID
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330022
Status: Excess
Comments: 1,216 sf. poor conditions; 12+months vacant; bunkhouse; existing federal need

Crescent Paint Storage, FS ID
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330023
Status: Excess
Comments: 530 sf.; shed, 51 yrs. old, poor conditions; existing federal need.

Crescent Timber Storage, FS ID
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330024
Status: Excess
Comments: 170 sf.; shed; 63 yrs. old. poor conditions; existing Federal need

Crescent Admin Garage, FS ID
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330025
Status: Excess
Comments: 336 sf.; 60 yrs.-old, good conditions; existing Federal need.

Crescent Office-South Modular
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330027
Status: Excess
Comments: 2,020 sf.; 18 yrs.-old, poor conditions; existing Federal need.

Maryland

Building 415; Hobby Shop
22049 Fortin Rd.
Patuxent River MD
Landholding Agency: Navy
Property Number: 77201330016
Status: Unutilized
Comments: located on military installation w/secured entry; public access denied and no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Land

California

Land
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77201330015
Status: Excess
Comments: DoD personnel only; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

[FR Doc. 2013–20287 Filed 8–22–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5727–N–02]

Hurricane Sandy Rebuilding Task Force—Rebuild-by-Design; Announcement of Selection of Design Teams

AGENCY: Hurricane Sandy Task Force, HUD.

ACTION: Notice.

SUMMARY: In June 2013, the Hurricane Sandy Task Force launched Rebuild by Design, a multi-stage regional design competition to promote resilience for the Sandy-affected region. This notice announces the design teams selected under the competition.

FOR FURTHER INFORMATION CONTACT: Scott Davis at *rebuildbydesign@hud.gov.*

SUPPLEMENTARY INFORMATION: In an effort to promote resilience for the Hurricane Sandy-affected region, the Hurricane Sandy Task Force initiated a multi-stage regional design competition, called Rebuild by Design. The goals of the competition are to attract highly experienced building design teams, promote innovation by developing regionally-scalable but locally-contextual solutions that increase resilience in the region, and implement selected proposals with both public and private funding dedicated to this effort.

The Rockefeller Foundation is the lead funding partner for the competition and will provide support for the analysis and design process. The National Endowment for the Arts (NEA) served as a special partner, providing critical expertise and guidance to launch Rebuild by Design and select the 10 teams. NEA has a history of supporting and facilitating design competitions and NEA's involvement helped ensure the success of the launch of the competition. HUD will incentivize the implementation of the selected designs using funds made

available through the Community Development Block Grant Disaster Recovery (CDBG–DR) program as well as other public and private funds.

Rebuild by Design focuses on the following areas: Coastal communities, high-density urban environments, ecological networks and a fourth category that will include other innovative questions and proposals. Additionally, the competition has a region-wide focus to help provide solutions to problems that are larger or more complex than individual towns have the capacity to solve themselves. The regional focus will also help provide a better understanding of the many interconnected systems (infrastructure, ecological, climate, economic and others) in the Sandy-affected region. The design teams selected will start with regional analyses to understand major vulnerabilities and then, through the collaborative design process begin to focus on local implementation and key projects for improving the region's resilience. Applications for the competition were due July 19, 2013. The details of the competition can be found at *http://portal.hud.gov/hudportal/HUD?src=/sandyrebuilding/rebuildbydesign.*

Over 140 potential teams from more than 15 countries submitted proposals, representing the top engineering, architecture, design, landscape architecture and planning firms as well as research institutes and universities worldwide.

The 10 design teams selected are the following:

- Interboro Partners with the New Jersey Institute of Technology Infrastructure Planning Program; TU Delft; Project Projects; RFA Investments; IMG Rebel; Center for Urban Pedagogy; David Rusk; Apex; Deltares; Bosch Slabbers; H+N+S; and Palmbout Urban Landscapes.
- PennDesign/OLIN with PennPraxis, Buro Happold, HR&A Advisors, and E-Design Dynamics.
- WXY architecture + urban design/West 8 Urban Design & Landscape Architecture with ARCADIS Engineering; Dr. Alan Blumberg, Stevens Institute, Kate John Alder, Rutgers University; Maxine Griffith; William Morrish, Parsons the New School for Design; Dr. Orrin Pilkey, Duke University; Kei Hayashi, BJH Advisors; Mary Edna Fraser; and Yeju Choi.
- Office of Metropolitan Architecture with Royal Haskoning DHV; Balmori Associaties; R/GA; and HR&A Advisors.
- HR&A Advisors with Cooper, Robertson, & Partners; Grimshaw; Langan Engineering; W Architecture; Hargreaves Associates; Alamo Architects; Urban Green Council; Ironstate Development; New City America.
- SCAPE/LANDSCAPE ARCHITECTURE with Parsons Brinckerhoff; SeARC Ecological Consulting; Ocean and Coastal Consultants; The New York Harbor School; Phil Orton/Stevens Institute; Paul Greenberg; LOT–EK; and MTWTF.
- Massachusetts Institute of Technology Center for Advanced Urbanism and the Dutch Delta Collaborative by ZUS; with De Urbanisten; Deltares; 75B; and Volker Infra Design.
- Sasaki Associates with Rutgers University and ARUP.
- Bjarke Ingels Group with One Architecture; Starr Whitehouse; James Lima Planning & Development; Green Shield Ecology; Buro Happold; AEA Consulting; and Project Projects.
- unabridged Architecture, Mississippi State University Gulf Coast Community Design Studio, and Waggonner and Ball Architects.

Information on the selection of the design teams is also provided on HUD's Web site at: *http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-121.*

Dated: August 20, 2013.

Laurel Blatchford,

Executive Director, Hurricane Sandy Rebuilding Task Force.

[FR Doc. 2013–20631 Filed 8–22–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUT920000–L14300000–FM0000–LXSS014J0000; UT–52455]

Public Land Order No. 7820; Partial Modification, Public Water Reserve No. 107; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially modifies a withdrawal created by an Executive Order insofar as it affects 264.21 acres of public lands withdrawn from settlement, sale, location, or entry under the public land laws, including location for non-metalliferous minerals under the United States mining laws, for protection of springs and waterholes and designated as Public Water Reserve No. 107. This order opens the lands only to exchange under the authority of the Utah Recreational Land Exchange Act of 2009.

DATES: *Effective Date:* August 23, 2013.

FOR FURTHER INFORMATION CONTACT: Joy Wehking, Bureau of Land Management, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101, 801–539–4114. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Subject generally to Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and applicable law, Public Law 111–53 (123 Stat. 1982) directs the exchange of land between the United States and the State of Utah, School and Institutional Trust Lands Administration. This partial modification is needed to facilitate a pending land exchange.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. The withdrawal created by the Executive Order dated April 17, 1926, which established Public Water Reserve No. 107, is hereby modified to allow for a land exchange in accordance with Public Law 111–53 (123 Stat. 1982) and Section 206 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716), insofar as it affects the following described public lands:

Salt Lake Meridian

T. 15 S., R. 23 E.,
Sec. 23, SE¼SE¼;
Sec. 24, SE¼SE¼.
T. 17 S., R. 22 E.,
Sec. 4, SE¼NE¼;
Sec. 6, SW¼SE¼;
Sec. 7, NW¼SE¼;
Sec. 19, lot 10 and SW¼NE¼.

The areas described aggregate 264.21 acres in Uintah and Grand Counties.

2. At 9 a.m., on August 23, 2013, the lands described in Paragraph 1 will be opened to exchange pursuant to Public Law 111–53 (123 Stat. 1982) and Section 206 of the Federal Land Policy and Management Act of 1976, as amended, (43 U.S.C. 1716), subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: August 14, 2013.

Rhea S. Suh,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2013–20591 Filed 8–22–13; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA 104000]

Outer Continental Shelf (OCS), Gulf of Mexico (GOM), Oil and Gas Lease Sales, Central Planning Area (CPA) Lease Sales 235, 241, and 247

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Intent (NOI) to Prepare a Supplemental Environmental Impact Statement (EIS).

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*) (NEPA), BOEM is announcing its intent to prepare a Supplemental EIS for proposed Central Planning Area (CPA) Lease Sales 235, 241 and 247 in the Gulf of Mexico (CPA Supplemental EIS). Proposed Lease Sale 235 is the next proposed lease sale in the Gulf of Mexico's CPA off the States of Louisiana, Mississippi, and Alabama. The CPA Supplemental EIS will update the environmental and socioeconomic analyses in the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2012–2017; Western Planning Area Lease Sales 229, 233, 238, 246, and 248; Central Planning Area Lease Sales 227, 231, 235, 241, and 247, Final Environmental Impact Statement* (OCS EIS/EA BOEM 2012–019) (WPA/CPA Multisale EIS) and in the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2013–2014; Western Planning Area Lease Sale 233; Central Planning Area Lease Sale 231, Final Supplemental Environmental Impact Statement* (OCS EIS/EA BOEM 2013–0118) (WPA 233/CPA 231 Supplemental EIS). The WPA/CPA Multisale EIS was completed in July 2012. The WPA 233/CPA 231 Supplemental EIS was completed in April 2013.

A Supplemental EIS is deemed appropriate to supplement the NEPA documents cited above for these lease sales in order to consider new circumstances and information arising from, among other things, the *Deepwater Horizon* explosion, oil spill, and response. The CPA Supplemental EIS analysis will focus on updating the baseline conditions.

The CPA Supplemental EIS analysis will focus on the potential environmental effects of oil and natural gas leasing, exploration, development, and production in the CPA identified through the Area Identification procedure as the proposed lease sale area. In addition to the no action alternative (i.e., canceling a proposed lease sale), other alternatives may be considered for the proposed CPA lease sales, such as deferring certain areas from the proposed lease sale area.

SUPPLEMENTARY INFORMATION: On August 27, 2012, the Secretary of the Interior approved as final the *Proposed Final OCS Oil & Gas Leasing Program: 2012–2017* (Five-Year Program). The Five-Year Program includes the three remaining CPA lease sales that will be considered in the CPA Supplemental EIS. Proposed CPA Lease Sales 235, 241, and 247 are tentatively scheduled to be held in 2015, 2016, and 2017, respectively. The proposed CPA lease sale area encompasses about 63 million acres of the total CPA area of 66.45 million acres (excluding whole and partial blocks deferred by the Gulf of Mexico Energy Security Act of 2006 and blocks that are adjacent to or beyond the United States Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap).

This **Federal Register** notice is not an announcement to hold a proposed lease sale, but it is a continuation of information gathering and is published early in the environmental review process, in furtherance of the goals of NEPA. The comments received during the scoping comment period will help form the content of the CPA 235, 241, and 247 Supplemental EIS and will be summarized in presale documentation prepared during the decision making process for CPA Lease Sale 235. If, after completion of the CPA Supplemental EIS, the Department of the Interior's Assistant Secretary for Land and Minerals Management decides to hold a lease sale, then the lease sale area identified in the final Notice of Sale may exclude or defer certain lease blocks from the area offered. However, for purposes of the CPA Supplemental EIS and to adequately assess the potential impacts of an areawide lease sale, BOEM is assuming that all unleased blocks may be offered in proposed CPA Lease Sale 235 and in each of the remaining proposed CPA lease sales.

In order to ensure a greater level of transparency during the Outer Continental Shelf Lands Act (OCSLA) stages and tiered NEPA processes of the Five-Year Program, BOEM established an alternative and mitigation tracking table, which is designed to track the receipt and treatment of alternative and mitigation suggestions. Section 4.3.2 of the *Outer Continental Shelf Oil and Gas Leasing Program: 2012–2017; Final Programmatic Environmental Impact Statement* (the Five-Year Program EIS) (*http://www.boem.gov/5-Year/2012–2017/PEIS.aspx*) presented a list of deferral and alternative requests that were received during the development of the Five-Year Program EIS, but were determined to be more appropriately considered at subsequent OCSLA and NEPA stages. The WPA/CPA Multisale EIS addressed these deferral and alternative requests, but they were ultimately deemed inappropriate for further analysis as separate alternatives or deferrals from those already included and considered in the WPA/CPA Multisale EIS. In this and future NEPA analyses, BOEM will continue to evaluate whether these or other deferral or alternative requests warrant additional consideration as appropriate. (Please refer to Chapter 2.2.1.2 of the WPA/CPA Multisale EIS for a complete discussion; *http://www.boem.gov/Environmental-Stewardship/Environmental-Assessment/NEPA/BOEM–2012–019_v1.aspx*). A key principle at each stage in the NEPA process is to identify how the recommendations for deferral and mitigation requests are being addressed and whether new information or circumstances favor new or different analytical approaches in response to these requests.

Additionally, BOEM has created a tailored map of the potentially affected area through the Multipurpose Marine Cadastre (MMC) Web site (*http://boem.gov/Oil-and-Gas-Energy-Program/Leasing/Five-Year-Program/Lease-Sale-Schedule/Interactive-Maps.aspx*). The MMC is an integrated marine information system that provides a comprehensive look at geospatial data and ongoing activities and studies occurring in the area being considered. This Web site provides the ability to view multiple data layers of existing geospatial data.

Scoping Process: This NOI also serves to announce the scoping process for identifying issues for the CPA Supplemental EIS. Throughout the scoping process, Federal, State, Tribal, and local governments and the general public have the opportunity to help BOEM determine significant resources and issues, impacting factors, reasonable alternatives, and potential mitigation measures to be analyzed in the CPA Supplemental EIS, and to provide additional information. BOEM will also use the NEPA commenting process to initiate the section 106

consultation process of the National Historic Preservation Act (16 U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3).

Pursuant to the regulations implementing the procedural provisions of NEPA (42 U.S.C. 4321 *et seq.*), BOEM will hold public scoping meetings in Louisiana, Mississippi, and Alabama on the CPA Supplemental EIS. The purpose of these meetings is to solicit comments on the scope of the CPA Supplemental EIS. BOEM's scoping meetings will be held at the following places and times:

- Gulfport, Mississippi: Monday, September 9, 2013, Courtyard by Marriott Beachfront MS Hotel, 1600 East Beach Boulevard, Gulfport, Mississippi 39501; one meeting beginning at 6:30 p.m. CDT;
- Mobile, Alabama: Tuesday, September 10, 2013, Hilton Garden Inn Mobile West, 828 West I–65 Service Road South, Mobile, Alabama 36609; one meeting beginning at 6:30 p.m. CDT; and
- New Orleans, Louisiana: Thursday, September 12, 2013, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123; one meeting beginning at 1:00 p.m. CDT.

Cooperating Agency: BOEM invites other Federal, State, Tribal, and local governments to consider becoming cooperating agencies in the preparation of the CPA Supplemental EIS. We invite qualified government entities to inquire about cooperating agency status for the CPA Supplemental EIS. Following the guidelines from the Council on Environmental Quality (CEQ), qualified agencies and governments are those with ''jurisdiction by law or special expertise.'' Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency, and remember that an agency's role in the environmental analysis neither enlarges nor diminishes the final decisionmaking authority of any other agency involved in the NEPA process. Upon request, BOEM will provide potential cooperating agencies with a written summary of ground rules for cooperating agencies, including time schedules and critical action dates, milestones, responsibilities, scope and detail of cooperating agencies' contributions, and availability of predecisional information. BOEM anticipates this summary will form the basis for a Memorandum of Agreement between BOEM and any cooperating agency. Agencies should also consider the ''Factors for Determining Cooperating Agency Status'' in Attachment 1 to CEQ's January 30, 2002, Memorandum for the Heads of Federal Agencies: *Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act.* These documents are available at the following locations on the Internet: *http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.html;* and *http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagencymemofactors.html.*

BOEM, as the lead agency, will not provide financial assistance to cooperating agencies. Even if an organization is not a cooperating agency, opportunities will exist to provide information and comments to BOEM during the normal public input stages of the NEPA/EIS process. For further information about cooperating agencies, please contact Mr. Gary D. Goeke at (504) 736–3233.

Comments: All interested parties, including Federal, State, Tribal, and local governments, and other interested parties, may submit written comments on the scope of the CPA Supplemental EIS, significant issues that should be addressed, alternatives that should be considered, potential mitigation measures, and the types of oil and gas activities of interest in the proposed CPA lease sale area.

Written scoping comments may be submitted in one of the following ways:

1. In an envelope labeled ''Scoping Comments for the CPA Supplemental EIS'' and mailed (or hand delivered) to Mr. Gary D. Goeke, Chief, Environmental Assessment Section, Office of Environment (GM 623E), Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394;
2. Through the regulations.gov web portal: Navigate to *http://www.regulations.gov* and search for ''Oil and Gas Lease Sales: Gulf of Mexico, Outer Continental Shelf; Central Planning Area Lease Sales 235, 241, and 247'' (Note: It is important to include the quotation marks in your search terms.) Click on the ''Comment Now!'' button to the right of the document link. Enter your information and comment, then click ''Submit''; or
3. BOEM's email address: *cpa235@boem.gov.*

Petitions, although accepted, do not generally provide useful information to assist in the development of alternatives, resources and issues to be analyzed, or impacting factors. BOEM does not consider anonymous comments; please include your name and address as part of your submittal. BOEM makes all comments, including the names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that BOEM withhold their names and/or addresses from the public record; however, BOEM cannot guarantee that we will be able to do so. If you wish your name and/or address to be withheld, you must state your preference prominently at the beginning of your comment. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

DATES: Comments should be submitted by September 23, 2013 to the address specified above.

FOR FURTHER INFORMATION CONTACT: For information on the CPA Supplemental EIS, the submission of comments, or BOEM's policies associated with this notice, please contact Mr. Gary D. Goeke, Chief, Environmental Assessment Section, Office of Environment (GM 623E), Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, LA 70123–2394, telephone (504) 736–3233.

Authority: This NOI is published pursuant to the regulations (40 CFR 1501.17) implementing the provisions of NEPA.

Dated:August 16, 2013.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2013–20649 Filed 8–22–13; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–890]

Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof; Notice of Institution of Investigation; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 19, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of ResMed Corporation of San Diego, California; ResMed

Incorporated of San Diego, California; and ResMed Limited of Australia. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain sleep-disordered breathing treatment systems and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,997,267 (''the '267 patent''), U.S. Patent No. 7,614,398 (''the '398 patent''), U.S. Patent No. 7,938,116 (''the '116 patent''), U.S. Patent No. 7,341,060 (''the '060 patent''), U.S. Patent No. 8,312,883 (''the '883 patent''), U.S. Patent No. 7,926,487 (''the '487 patent''), U.S. Patent No. 7,178,527 (''the '527 patent''), and U.S. Patent No. 7,950,392 (''the '392 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2013).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 16, 2013, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain sleep-disordered breathing treatment systems and components thereof that infringe one or more of claims 32–37, 53, 79, 80, and 88 of the '267 patent; claims 1–7 of the '398 patent; claim 1 of the '116 patent; claims 30, 37, and 38 of the '060 patent; claims 1, 3, 5, 11, 28, 30, 31, and 56 of the '883 patent; claims 1, 3, 6, 7, 9, 29, 32, 35, 40, 42, 45, 50, 51, 56, 59, 89, 92, 94, and 96 of the '527 patent; claims 19–24, 26, 29–36, and 39–41 of the '392 patent; and claims 13, 15, 16, 26–28, 51, 52, and 55 of the '487 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are: ResMed Corporation, 9001 Spectrum Center Drive, San Diego, CA 92123.

ResMed Incorporated, 9001 Spectrum Center Drive, San Diego, CA 92123.

ResMed Limited, 1 Elizabeth Macarthur Drive, Bella Vista NSW 2153, Australia.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

BMC Medical Co., Ltd., 5/F Main Building, No. 19 Gucheng Street West, Shijingshan, Beijing 100043, China.

3B Medical, Inc., 21301 US Highway 27, Lake Wales, FL 33589.

3B Products, L.L.C., 21301 US Highway 27, Lake Wales, FL 33589.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: August 19, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–20638 Filed 8–22–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survey of Occupational Injuries and Illnesses

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) revision titled, ''Survey of Occupational Injuries and Illnesses,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

DATES: Submit comments on or before September 23, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201305-1220-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Information Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210, email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: The Survey of Occupational Injuries and Illnesses is the primary indicator of national progress in providing every working man and woman safe and healthful working conditions. Survey data are also used to evaluate the effectiveness of the Federal and State programs and to prioritize scarce resources. This ICR has been classified as a revision, because of minor changes, such as updating the reporting year covered by the current edition, to survey instruments.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220–0045. The current approval is scheduled to expire on October 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 20, 2013 (78 FR 29383).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220–0045. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Survey of Occupational Injuries and Illnesses.

OMB Control Number: 1220–0045.

Affected Public: State, Local, and Tribal Governments and Private Sector—businesses or other for-profits, farms, and not-for-profit institutions.

Total Estimated Number of Respondents: 243,900.

Total Estimated Number of Responses: 243,900.

Total Estimated Annual Burden Hours: 338,116.

Total Estimated Annual Other Costs Burden: $0.

Dated: August 19, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–20577 Filed 8–22–13; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0022]

Student Data Form; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements contained in the Student Data Form (OSHA Form 182).

DATES: Comments must be submitted (postmarked, sent, or received) by October 22, 2013.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket Number OSHA–2010–0022, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for this Information Collection Request (ICR) (OSHA–2010–0022). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimal burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657). The OSH Act authorizes the Occupational Safety and Health Administration (''OSHA'' or the ''Agency'') to conduct education and training courses (29 U.S.C. 670). These courses must educate an adequate number of qualified personnel to fulfill the purposes of the OSH Act, provide them with short-term training, inform them of the importance and proper use of safety and health equipment, and train employers and workers to recognize, avoid, and prevent unsafe and unhealthful working conditions.

Under Section 21 of the OSH Act, the OSHA Training Institute (the ''Institute'') provides basic, intermediate, and advanced training and education in occupational safety and health for state compliance officers, Agency professionals and technical-support personnel, employers, workers, organizations representing workers and employers, educators who develop curricula and teach occupational safety and health courses, and representatives of professional safety and health groups. The Institute provides courses on occupational safety and health at its national training facility in Arlington Heights, Illinois.

Students attending Institute courses complete the one-page Student Data Form (OSHA Form 182) on the first day of class. The form provides information under five major categories titled ''Course Information,'' ''Personal Data,'' ''Employer Data,'' ''Emergency Contacts,'' and ''Student Groups.'' The OSHA Directorate of Training and Education (the ''Directorate'') compiles, for each fiscal year, the following information from the ''Course Information'' and ''Student Groups'' categories: Total student attendance at the Institute; the number of students attending each training course offered by the Institute; and the types of students attending these courses (for example, students from federal or state occupational safety and health agencies). The Directorate uses this information to demonstrate, in an accurate and timely manner, that the Agency is providing the training and worker education mandated by Section 21 of the Act. OSHA also uses this information to evaluate training output, and to make decisions regarding program/course revisions, budget support, and tuition costs.

The Agency uses the information collected under the ''Course Information,'' ''Personal Data,'' and ''Employer Data'' to identify private sector students so that it can collect tuition costs from them or their employers as authorized by 31 U.S.C. 9701 (''Fees and Charges for Government Services and Things of Value''); Office of Management and Budget Circular A–25 (''User Charges''); and 29 CFR part 1949 (''Directorate of Training and Education, Occupational Safety and Health Administration''). The information in the ''Personal Data'' and ''Emergency Contacts'' categories permits OSHA to contact students who are residing in local hotels/motels if an emergency arises at their home or place of employment, and to alert supervisors/alternate contacts of a trainee's injury or illness.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Student Data Form. The Agency will summarize the comments submitted in response to this notice, and will include this summary in the request for approval to OMB.

Type of Review: Extension of a currently approved collection.

Title: Student Data Form.

OMB Control Number: 1218–0172.

Affected Public: Individuals; business or other for-profit organizations; Federal government; State, Local, or Tribal governments.

Number of Respondents: 3,000.

Frequency of Responses: On occasion.

Total Responses: 3,000.

Average Time per Response: 5 minutes (.08 hour).

Estimated Total Burden Hours: 240 hours.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for this ICR (OSHA Docket No. OSHA–2010–0022). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or a facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled ''Addresses''). The additional materials must clearly identify your electronic comments by your name, date, and docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express

delivery, messenger or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

Electronic copies of this **Federal Register** document are available at *http://www.regulations.gov.* This document, as well as news releases and other relevant information, are available at OSHA's Web page at *http://www.osha.gov.*

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912, January 25, 2012).

Signed at Washington, DC, on August 19, 2013.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2013–20546 Filed 8–22–13; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0041]

Formaldehyde Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the standard on Formaldehyde (29 CFR 1910.1048).

DATES: Comments must be submitted (postmarked, sent, or received) by October 22, 2013.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2009–0041, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for the Information Collection Request (ICR) (OSHA–2009–0041). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657). The standard protects workers from the adverse health effects from occupational exposure to formaldehyde, including an itchy, runny, and stuffy nose; a dry or sore throat; eye irritation; headaches; and cancer of the lung, buccal cavity (mouth), and pharynx (throat). Formaldehyde solutions can damage the skin and burn the eyes.

The standard specifies a number of paperwork requirements. The following is a brief description of the collection of information requirements contained in the Formaldehyde Standard. The standard requires employers to conduct worker exposure monitoring to determine workers' exposure to formaldehyde, notify workers of their formaldehyde exposures, provide medical surveillance to workers, provide examining physicians with specific information, ensure that workers receive a copy of their medical examination results, maintain workers' exposure monitoring and medical records for specific periods, and provide

access to these records by OSHA, the National Institute for Occupational Safety and Health, the affected workers, and their authorized representatives.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting an adjustment decrease in burden hours from 327,533 to 237,854 (a total decrease of 89,679 hours). The reasons for this reduction are: The estimated decrease in the number of covered establishments and workers; and, the removal of burden hours associated with the requirement that employers provide training to workers. Upon further analysis, this provision is not considered to be a collection of information under PRA–95.

In addition, the costs to conduct a medical examination increased (from $180 to $218) and for contract industrial hygiene services to conduct exposure-monitoring sampling increased (from $45 to $50). However, overall capital costs decreased, from $42,626,346 to $41,724,296, a decrease of $902,050. The decrease is due to the estimated decrease in the number of covered workers undergoing exposure monitoring and medical exams.

Type of Review: Extension of a currently approved collection.

Title: Formaldehyde Standard (29 CFR 1910.1048).

OMB Control Number: 1218–0145.

Affected Public: Business or other for-profits.

Number of Respondents: 84,931.

Frequency of Response: Annually; On occasion; Semi-annually.

Total Responses: 904,202.

Average Time per Response: Varies from 5 minutes (.08 hour) for employers to maintain records to 1 hour for workers to receive medical evaluations.

Estimated Total Burden Hours: 237,854.

Estimated Cost (Operation and Maintenance): $41,724,296.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2009–0041). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the Web site and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on August 19, 2013.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2013–20545 Filed 8–22–13; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Modification of Scope of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA is issuing a notification deleting three test standards from the scope of recognition of the Nationally Recognized Testing Laboratory (NRTL) TUV SUD America, Inc., based on that NRTL's voluntary request that OSHA reduce its scope of recognition.

DATES: This modification of the scope of recognition is effective on August 23, 2013.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999; email *Meilinger.francis2@dol.gov.*

General and technical information: Contact David Johnson, NRTL Program, Occupational Safety and Health Administration, Room N–3655, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2110: email: *johnson.david.w@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov* and select ''N'' in the ''A to Z Index'' located at the top of the Web page).

Copies of this **Federal Register** *notice:* Electronic copies of this **Federal Register** notice are available under Docket No. OSHA–2006–0043 at *http://www.regulations.gov.* This **Federal Register** notice also is available on OSHA's Web page at *http://www.osha.gov.* Access the ***Federal Register*** notice on this Web page by

selecting ''F'' under the ''A to Z Index'' at the top of the page.

SUPPLEMENTARY INFORMATION:

I. Determination Regarding TUV SUD America, Inc.

TUV SUD America, Inc., (TUVAM) requested that OSHA delete three test standards (see Exhibit 1) from its scope of recognition. Subsection II.D of Appendix A to 29 CFR 1910.7 provides that OSHA must inform the public of such a reduction in scope. Accordingly, OSHA hereby notifies the public that it is deleting the test standards (1) UL 551 Transformer-type Arc-welding Machine, (2) UL 1484 Residential Gas Detectors, and (3) UL 1662 Electric Chain Saws from TUVAM's scope of recognition as of August 23, 2013. As of August 23, 2013, OSHA will no longer accept certifications by TUVAM that products conform to UL 551, UL1484, or UL 1662. OSHA will delete these standards from TUVAM's scope of recognition on the OSHA Web page.

TUVAM must notify those NRTL clients for which TUVAM certified that the clients' products conformed to UL 551, UL 1484, and UL 1662 that TUVAM's scope of recognition no longer includes these standards. TUVAM's notification to each affected client also must inform the client that it must now obtain its product-certification services, with respect to UL 551, UL 1484, and UL 1662, from an NRTL with a scope of recognition that continues to include these standards. TUVAM's notification to each affected client must be in writing and received by the client within two weeks of the date of this notice.

II. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2)), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on August 19, 2013.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2013–20547 Filed 8–22–13; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Submission for OMB Review, Comment Request, Proposed Collection: State Library Administrative Agencies Survey, FY 2014–2016

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts And the Humanities.

ACTION: Submission for OMB Review, Comment Request.

SUMMARY: The Institute of Museum and Library Services (IMLS), 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 (44 U.S.C. 3501 et seq.). This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the Contact section below on or before September 23, 2013.

OMB is particularly interested in comments that help the agency 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 collection of information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submissions of responses.

ADDRESSES: Deanne Swan, Senior Statistician, Office of Planning, Research, and Evaluation, Institute of Museum and Library Services, 1800 M St., NW., 9th Floor, Washington, DC 20036. Dr. Swan can be reached by Telephone: 202–653–4769, Fax: 202–653–4601, or by email at *dswan@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION:

The Institute of Museum and Library Services is the primary source of federal support for the Nation's 123,000 libraries and 17,500 museums. The Institute's mission is to create strong libraries and museums that connect people to information and ideas. The Institute works at the national level and in coordination with state and local organizations to sustain heritage, culture, and knowledge; enhance learning and innovation; and support professional development. IMLS is responsible for identifying national needs for, and trends in, museum, library, and information services; measuring and reporting on the impact and effectiveness of museum, library, and information services throughout the United States, including programs conducted with funds made available by IMLSs; identifying, and disseminating information on, the best practices of such programs; and developing plans to improve museum, library, and information services of the United States and strengthen national, State, local, regional, and international communications and cooperative networks. (20 U.S.C. 9108).

Abstract: The State Library Administrative Agencies Survey has been conducted by the Institute of Museum and Library Services under the clearance number 3137–0072, which expires 10/31/2013. State library administrative agencies (''SLAAs'') are the official agencies of each State charged by State law with the extension and development of public library services throughout the State. (20 U.S.C. 9122.) The purpose of this survey is to provide state and federal policymakers with information about SLAAs, including their governance, allied operations, developmental services to libraries and library systems, support of electronic information networks and resources, number and types of outlets, and direct services to the public.

Current Actions: This notice proposes clearance of the State Library Agencies Survey. The 60-day notice for the State Library Administrative Agencies Survey, FY 2014, was published in the **Federal Register** on May 23, 2013 (78 FR 30939). No comments were received.

Agency: Institute of Museum and Library Services.

Title: State Library Administrative Agencies Survey, FY 2014.
OMB Number: 3137–0072.
Agency Number: 3137.
Affected Public: Federal, State and local governments, State library administrative agencies, libraries, general public.
Number of Respondents: 51.
Frequency: Biennially.
Burden hours per respondent: 24.
Total burden hours: 1,248.
Total Annual Costs: $34,307.
Contact: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316.

Dated: August 20, 2013.

Kim A. Miller,

Management Analyst.

[FR Doc. 2013–20663 Filed 8–22–13; 8:45 am]

BILLING CODE 7036–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0197]

Draft Emergency Preparedness Frequently Asked Questions

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability and opportunity for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is making available for comment Emergency Preparedness (EP) frequently asked questions (EPFAQs) No. 2013–004, No. 2013–006, and No. 2013–007. These EPFAQs will be used to provide clarification of guidance documents related to the development and maintenance of EP program elements. The NRC is publishing these preliminary results to inform the public and solicit comments.

DATES: Submit comments by September 23, 2013. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0113. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN, 06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Carolyn Kahler, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–3722 or by email at: *carolyn.kahler@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0197 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0197.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The draft EPFAQs are available electronically in ADAMS under Accession No. ML13226A441, and are available on the NRC's Web site at *http://www.nrc.gov/about-nrc/emerg-preparedness/faq/faq-contactus.html.*
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0197 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

The NRC is requesting comment on these draft EPFAQs. This process is intended to describe the manner in which the NRC may provide interested outside parties an opportunity to share their individual views with NRC staff regarding the appropriate response to questions raised on the interpretation or applicability of EP guidance issued or endorsed by the NRC, before the NRC issues an official response to such questions.

Dated at Rockville, Maryland on August 16, 2013.

For the Nuclear Regulatory Commission.

Scott Morris,

Deputy Director, Division of Preparedness and Response, Office of Nuclear Security and Incident Response.

[FR Doc. 2013–20629 Filed 8–22–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–259; NRC–2013–0198]

Tennessee Valley Authority, Browns Ferry Nuclear Plant, Unit 1; Applications and Amendments to Facility Operating Licenses Involving Proposed, No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR–33, issued to Tennessee Valley Authority (TVA or the licensee), for operation of the Browns Ferry Nuclear Plant (BFN) Unit 1, located in Alabama, Limestone County.

DATES: Comments must be filed by September 6, 2013. A request for a hearing must be filed by October 22, 2013.

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0198. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN, 06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Siva P. Lingam, Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1564; email: *siva.lingam@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0198 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0198.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The application for amendment, dated August 14, 2013, is available electronically under ADAMS Accession No. ML13227A103.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0198 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The proposed amendment would delete the Notes that cover the Reactor Coolant System (RCS) Pressure and Temperature (P/T) Limits curves on Technical Specification (TS) 3.4.9, ''RCS Pressure and Temperatures (P/T) Limits,'' Figures 3.4.9–1 and 3.4.9–2 that are applicable from 12 Effective Full Power Years (EFPY) to 16 EFFY and allows usage of the figures up to 16 EFPY. The current Notes state, ''Do Not Use This Figure. This curve applies to operations > 12 EFPY. For current operation, use previous curve, which is valid up to 12 EFPY.''

There are two sets of P/T curves in the BFN Unit 1 TS 3.4.9: One set for operations up to 12 EFPY and another set for operations greater than (>) 12 EFPY and less than or equal to (≤) 16 EFPY. However, the second set of P/T curves (for operations > 12 EFPY and ≤ 16 EFPY) includes Notes that state that these curves cannot be used, and to use the first set of P/T curves for operations up to 12 EFPY. Therefore, the second set of P/T curves that are applicable when operations are > 12 EFPY cannot be used until the Notes are removed. The BFN Unit 1 operation is expected to reach 12 EFPY on September 20, 2013. Therefore, to utilize the correct and previously approved P/T Limits curves once the BFN Unit 1 operation has reached 12 EFPY, this Note must be removed from the > 12 EFPY and ≤ 16 EFPY TS Figures 3.4.9–1 and 3.4.9–2. Once 12 EFPY is achieved, the BFN Unit 1 will not be allowed to continue operation in Mode 1 (i.e., critical operation) and a unit shutdown will be required unless the Notes are removed. TVA determined that a license amendment was necessary to remove the Note from the figures. TVA further concluded that in the absence of an amendment to remove the Notes, a shutdown of the BFN Unit 1 as early as September 20, 2013, cannot be avoided.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

Pursuant to § 50.91(a)(6) of Title 10 of the *Code of Federal Regulations* (10 CFR), for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the

facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed administrative change will allow a set of TS figures, contained in a previous NRC-approved license amendment, to be used because the reactor fluence will soon reach the point at which the figures are applicable. The proposed administrative change does not revise any previously approved P/T limitations on plant operation. The change is an administrative change removing Notes that were placed on the approved figures to preclude using the figures until the fluence reached the applicable values. Because the NRC has previously approved the figures, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed administrative change will allow a set of TS figures, contained in a previous NRC-approved license amendment, to be used because the reactor fluence will soon reach the point at which the figures are applicable. The proposed administrative change does not revise any previously approved P/T limitations on plant operation. The change is an administrative change removing Notes that were placed on the approved figures to preclude using the figures until the fluence reached the applicable value.

Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed administrative change will allow a set of TS figures, contained in a previous NRC-approved license amendment, to be used because the reactor fluence will soon reach the point at which the figures are applicable. The proposed administrative change does not revise any previously approved P/T limitations on plant operation. The change is an administrative change removing Notes that were placed on the approved figures to preclude using the figures until the fluence reached the applicable value. In addition, the margin of safety change as a result of using these new figures was previously evaluated when the figures were originally approved. As such, deleting the Notes has no effect on a margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days of this notice, any person(s) whose interest may be affected may file a request for hearing/petition to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the requestor/petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the requestor/petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The requestor/petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior

to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by email to *MSHD.Resource@nrc.gov*, or by a toll-free call to 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 30 days from August 23, 2013. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to this exigent license application, see the application for amendment dated August 14, 2013.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

Dated at Rockville, Maryland, this August 16, 2013.

For the Nuclear Regulatory Commission.

Siva P. Lingam,

Project Manager, Plant Licensing Branch 2–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–20627 Filed 8–22–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0184; Docket No. 70–0036]

Westinghouse Electric Company, LLC; Decommissioning Project; Hematite, Missouri

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to request a hearing and to petition for leave to intervene; order.

DATES: A request for a hearing or petition for leave to intervene must be filed by October 22, 2013. Any potential party as defined in § 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI) is necessary to respond to this notice must request document access by September 3, 2013.

ADDRESSES: Please refer to Docket ID NRC–2013–0184 when contacting the NRC about the availability of information regarding this document. You may access publically-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0184. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland

FOR FURTHER INFORMATION CONTACT: John J. Hayes, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–5928; email: *John.Hayes@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has received a license amendment application from Westinghouse Electric Company, LLC (WEC or the licensee), dated May 28, 2013 (ADAMS Accession No. ML13149A291). The licensee requests (1) NRC authorization for disposal, pursuant to § 20.2002, of an additional 22,000 m^3 (cubic meters) of soil and soil-like material containing NRC-licensed source, byproduct, and special nuclear material from its former fuel cycle facility located in Festus, Missouri; (2) NRC approval for the treatment, as needed, for removal of chemical contaminants from the 22,000 m^3 or from the material associated with the previous approvals of approximately 46,000 m^3 of Hematite waste for alternate disposal; and (3) NRC authorization for disposal of dewatered sanitary sludge. The licensee holds NRC License No. SNM–33 and is authorized to conduct decommissioning activities at the facility. The amendment requests authorization for WEC to transfer decommissioning waste from the facility to U.S. Ecology Idaho (USEI), Inc., a Resource Conservation and Recovery Act Subtitle C disposal facility located near Grand View, Idaho. The USEI facility is regulated by the Idaho Department of Environmental Quality and is not an NRC-licensed facility. Pursuant to 10 CFR 30.11 and 70.17, WEC's application also requests that USEI be granted exemptions from the licensing requirements of 10 CFR 30.3 and 70.3 for byproduct and special nuclear material, respectively, so that USEI may accept the material under the terms of its facility permits. In a letter dated June 5, 2013, USEI also requested an exemption from the requirements of 10 CFR 30.3 and 70.3.

An NRC administrative review, documented in a letter to WEC dated June 11, 2013 (ADAMS Accession No. ML13161A067), found the application acceptable to begin a technical review. If the NRC approves the amendment, the approval will be documented in an amendment to NRC License No. SNM–33. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and the NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the license amendment request. Requirements for hearing requests and petitions for leave to intervene are found in 10 CFR 2.309, ''Hearing requests, petitions to intervene, requirements for standing, and contentions.'' Interested persons should consult 10 CFR 2.309, which is available at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852 (or call the PDR at 1–800–397–4209 or 301–415–4737). The NRC's regulations are also accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition must provide the name, address, and telephone number of the petitioner and specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest.

A petition for leave to intervene must also include a specification of the contentions that the petitioner seeks to have litigated in the hearing. For each contention, the petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a

license amendment in response to the application. The petition must also include a concise statement of the alleged facts or expert opinions which support the position of the petitioner and on which the petitioner intends to rely at the hearing, together with references to the specific sources and documents on which the petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the identification of each failure, and the supporting reasons for the petitioner's belief. Each contention must be one that, if proven, would entitle the petitioner to relief.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with the NRC's regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Requests for hearing, petitions for leave to intervene, and motions for leave to file contentions after the deadline in 10 CFR 2.309(b) will not be entertained absent a determination by the presiding officer that the new or amended filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by October 22, 2013. The petition must be filed in accordance with the filing instructions in section III of this document, and should meet the requirements for petitions for leave to intervene set forth in this section. A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may also have the opportunity to participate in a hearing as a nonparty under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by October 22, 2013.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the following procedures.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request: (1) A digital identification (ID) certificate, which allows the participant (or its counselor representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counselor representative, already holds an NRC-issued digital certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counselor or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they

can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHOResource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI)). Requirements for access to SGI are primarily set forth in 10 CFR parts 2 and 73. Nothing in this Order is intended to conflict with the SGI regulations.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI or SGI is necessary to respond to this notice may request access to SUNSI or SGI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI or SGI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI, SGI, or both to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

(3) If the request is for SUNSI, the identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention; and

(4) If the request is for SGI, the identity of each individual who would have access to SGI if the request is granted, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the SGI. In addition, the request must contain the following information:

(a) A statement that explains each individual's ''need to know'' the SGI, as required by 10 CFR 73.2 and 10 CFR 73.22(b)(1). Consistent with the definition of ''need to know'' as stated in 10 CFR 73.2, the statement must explain:

(i) Specifically why the requestor believes that the information is necessary to enable the requestor to proffer and/or adjudicate a specific contention in this proceeding[2]; and

(ii) The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested SGI to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

(b) A completed Form SF–85, ''Questionnaire for Non-Sensitive Positions'' for each individual who would have access to SGI. The completed Form SF–85 will be used by the Office of Administration to conduct the background check required for access to SGI, as required by 10 CFR part 2, Subpart G and 10 CFR 73.22(b)(2), to determine the requestor's trustworthiness and reliability. For security reasons, Form SF–85 can only be submitted electronically through the electronic questionnaire for investigations processing (e-QIP) Web

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.

[2] Broad SGI requests under these procedures are unlikely to meet the standard for need to know; furthermore, staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requestor's need to know than ordinarily would be applied in connection with an already-admitted contention or non-adjudicatory access to SGI.

site, a secure Web site that is owned and operated by the Office of Personnel Management. To obtain online access to the form, the requestor should contact the NRC's Office of Administration at 301–415–7000.[3]

(c) A completed Form FD–258 (fingerprint card), signed in original ink, and submitted in accordance with 10 CFR 73.57(d). Copies of Form FD–258 may be obtained by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by calling 630–829–9565, or by email to *Forms.Resource@nrc.gov.* The fingerprint card will be used to satisfy the requirements of 10 CFR Part 2, 10 CFR 73.22(b)(1), and Section 149 of the Atomic Energy Act of 1954, as amended, which mandates that all persons with access to SGI must be fingerprinted for an FBI identification and criminal history records check.

(d) A check or money order payable in the amount of $243.00[4] to the U.S. Nuclear Regulatory Commission for each individual for whom the request for access has been submitted.

(e) If the requestor or any individual who will have access to SGI believes they belong to one or more of the categories of individuals that are exempt from the criminal history records check and background check requirements in 10 CFR 73.59, the requestor should also provide a statement identifying which exemption the requestor is invoking and explaining the requestor's basis for believing that the exemption applies. While processing the request, the Office of Administration, Personnel Security Branch, will make final determination whether the claimed exemption applies. Alternatively, the requestor may contact the Office of Administration for an evaluation of their exemption status prior to submitting their request. Persons who are exempt from the background check are not required to complete the SF–85 or Form FD–258; however, all other requirements for access to SGI, including the need to know, are still applicable.

Note: Copies of documents and materials required by paragraphs C.(4)(b), (c), and (d) of this Order must be sent to the following address: U.S. Nuclear Regulatory Commission, ATTN: Personnel Security Branch, Mail Stop TWFN–03–B46M, 11555 Rockville Pike, Rockville, MD 20852. These documents and materials should *not* be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as required.

D. To avoid delays in processing requests for access to SGI, the requestor should review all submitted materials for completeness and accuracy (including legibility) before submitting them to the NRC. The NRC will return incomplete packages to the sender without processing.

E. Based on an evaluation of the information submitted under paragraphs C.(3) or C.(4) above, as applicable, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI or need to know the SGI requested.

F. For requests for access to SUNSI, if the NRC staff determines that the requestor satisfies both E.(1) and E.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.[5]

G. For requests for access to SGI, if the NRC staff determines that the requestor has satisfied both E.(1) and E.(2) above, the Office of Administration will then determine, based upon completion of the background check, whether the proposed recipient is trustworthy and reliable, as required for access to SGI by 10 CFR 73.22(b). If the Office of Administration determines that the individual or individuals are trustworthy and reliable, the NRC will promptly notify the requestor in writing. The notification will provide the names of approved individuals as well as the conditions under which the SGI will be provided. Those conditions may include, but not be limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[6] by each individual who will be granted access to SGI.

H. Release and Storage of SGI. Prior to providing SGI to the requestor, the NRC staff will conduct (as necessary) an inspection to confirm that the recipient's information protection system is sufficient to satisfy the requirements of 10 CFR 73.22. Alternatively, recipients may opt to view SGI at an approved SGI storage location rather than establish their own SGI protection program to meet SGI protection requirements.

I. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI or SGI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.

J. Review of Denials of Access.

(1) If the request for access to SUNSI or SGI is denied by the NRC staff either after a determination on standing and requisite need, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) Before the Office of Administration makes an adverse determination regarding the proposed recipient's (s') trustworthiness and reliability for access to SGI, the Office of Administration, in accordance with 10 CFR 2.705(c)(3)(iii), must provide the proposed recipient(s) any records that were considered in the trustworthiness and reliability determination, including those required to be provided under 10 CFR 73.57(e)(1), so that the proposed recipient(s) have an opportunity to correct or explain the record.

(3) The requestor may challenge the NRC staff's adverse determination with respect to access to SUNSI by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief

[3] The requestor will be asked to provide his or her full name, social security number, date and place of birth, telephone number, and email address. After providing this information, the requestor usually should be able to obtain access to the online form within one business day.

[4] This fee is subject to change pursuant to the Office of Personnel Managements adjustable billing rates.

[5] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[6] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SGI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 180 days of the deadline for the receipt of the written access request.

Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(4) The requestor may challenge the NRC staff's or Office of Administration's adverse determination with respect to access to SGI by filing a request for review in accordance with 10 CFR 2.705(c)(3)(iv). Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

K. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI or SGI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[7]

L. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 20th of August, 2013.

For the Nuclear Regulatory Commission.

Rochelle C. Bavol,

Acting Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION AND SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/Activity
0	Publication of FEDERAL REGISTER notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non Safeguards Information (SUNSI) and/or Safeguards Information (SGI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (e.g., showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.
25	If NRC staff finds no "need," no "need to know," or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
190	(Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-disclosure Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). Note: Before the Office of Administration makes an adverse determination regarding access to SGI, the proposed recipient must be provided an opportunity to correct or explain information.
205	Deadline for petitioner to seek reversal of a final adverse NRC staff trustworthiness or reliability determination either before the presiding officer or another designated officer under 10 CFR 2.705(c)(3)(iv).
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[7] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI/SGI request submitted to the NRC staff under these procedures.

[FR Doc. 2013–20630 Filed 8–22–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–608; NRC–2013–0053]

SHINE Medical Technologies, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt and availability.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff acknowledges receipt of the second and final part of a two-part application for a construction permit, submitted by SHINE Medical Technologies, Inc. (SHINE).

ADDRESSES: Please refer to Docket ID NRC–2013–0053 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0053. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that the document is referenced. The application is available in ADAMS under Accession No. ML13172A324.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Steven Lynch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001; telephone: 301–415–1524; email: *Steven.Lynch@nrc.gov.*

SUPPLEMENTARY INFORMATION: By letter dated May 31, 2013, SHINE filed with the NRC, pursuant to Section 103 of the Atomic Energy Act and part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), the second and final portion of a two-part application for a construction permit for a medical radioisotope production facility in Janesville, Wisconsin (SMT–2013–023, ADAMS Accession No. ML13172A361).

An exemption from certain requirements of 10 CFR 2.101(a)(5), granted by the Commission on March 20, 2013 (ADAMS Accession No. ML13072B195), in response to a letter from SHINE dated February 18, 2013 (ADAMS Accession No. ML13051A007), allowed SHINE to submit its construction permit application in two parts. Specifically, the exemption allowed SHINE to submit a portion of its application for a construction permit up to six months prior to the remainder of the application regardless of whether or not an environmental impact statement or a supplement to an environmental impact statement is prepared during the review of its application. SHINE submitted part one of its construction permit application by letter dated March 26, 2013 (ADAMS Accession No. ML13088A192). A notice of receipt and availability of part one of the construction permit application was previously published in the **Federal Register** on May 20, 2013 (78 FR 29390). The first part of SHINE's construction permit application contained the following information:

- The description and safety assessment of the site required by 10 CFR 50.34(a)(1)
- The environmental report required by 10 CFR 50.30(f)
- The filing fee information required by 10 CFR 50.30(e) and 10 CFR 170.21
- The general information required by 10 CFR 50.33
- The agreement limiting access to classified information required by 10 CFR 50.37

The NRC staff published in the **Federal Register** on July 1, 2013 (78 FR 39342), its determination that part one of SHINE's construction permit application is acceptable for docketing.

Part two of SHINE's application for a construction permit contains the remainder of the preliminary safety analysis report, as required by 10 CFR 50.34(a).

Subsequent **Federal Register** notices will address the acceptability of this second portion of the tendered construction permit application for docketing and detail provisions for public participation in the construction permit application review process.

Dated at Rockville, Maryland, this 16th day of August, 2013.

For the Nuclear Regulatory Commission.

Alexander Adams, Jr.,

Chief, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–20622 Filed 8–22–13; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Report of Withholdings and Contributions for Health Benefits, Life Insurance and Retirement (Standard Form 2812); Report of Withholdings and Contributions for Health Benefits by Enrollment Code (Standard Form 2812–A); Supplemental Semiannual Headcount Report (OPM Form 1523)

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: Trust Funds Group of the Office of Chief Financial Officer, Office of Personnel Management (OPM), offers the general public and other Federal agencies the opportunity to comment on changes to existing Standard Form 2812, Standard Form 2812–A, and OPM Form 1523. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35), as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on June 4, 2013 (78 FR 33450) allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until September 23, 2013. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Public Law 112–96, Section 5001, the ''Middle Class Tax Relief and Job Creation Act of 2012,'' makes two significant changes to the Federal Employees' Retirement System (FERS). First, beginning in 2013, new employees (as designated in the statute) will have to pay significantly higher employee contributions, an increase of 2.3 percent of salary. Second, new Members of Congress and Congressional employees, in addition to paying higher retirement contributions, will accrue retirement benefits at the same rate as regular employees.

New employees affected by this law will be classified in a new retirement category; the Federal Employees' Retirement System—Revised Annuity Employees (FERS–RAE). The current Standard Form 2812, Standard Form 2812–A, and OPM Form 1523, have been changed to reflect this additional category.

Analysis

Agency: Trust Funds Group of the Office of Chief Financial Officer, Office of Personnel Management.

Title: (1) Report of Withholdings and Contributions for Health Benefits, Life Insurance and Retirement (Standard Form 2812); (2) Report of Withholdings and Contributions for Health Benefits By Enrollment Code (Standard Form 2812–A); (3) Supplemental Semiannual Headcount Report (OPM Form 1523)

OMB Number: 3260–NEW.

Frequency: Semiannually for OPM Form 1523 and once-per-pay-period for the Standard Form 2812 and Standard Form 2812–A.

Affected Public: Public Entities with Federal Employees and Retirees.

Number of Respondents: 100.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 2700.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

[FR Doc. 2013–20533 Filed 8–22–13; 8:45 am]

BILLING CODE 6325–23–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Request for Case Review for Enhanced Disability Annuity Benefit, RI 20–123

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0254, Request for Case Review for Enhanced Disability Annuity Benefit, RI 20–123. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;

2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until October 22, 2013. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Retirement Services, Union Square 370, 1900 E Street NW., Washington, DC 20415–3500, Attention: Alberta Butler or sent by email to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the U.S. Office of Personnel Management, Retirement Services Publications Team, 1900 E Street NW., Room 4445, Washington, DC 20415, Attention: Cyrus S. Benson, or sent by email to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: RI 20–123 is available only on the OPM Web site. It is used by retirees separated for disability and the survivors of retirees separated for disability to request that Retirement Operations review the computations of disability annuities to include the formulae provided in law for individuals who performed service as law enforcement officers, firefighters, nuclear materials carriers, air traffic controllers, Congressional employees, and Capitol and Supreme Court police.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Request for Case Review for Enhanced Disability Annuity Benefit.

OMB Number: 3206–0254.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 720.

Estimated Time per Respondent: 5 minutes.

Total Burden Hours: 60.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

[FR Doc. 2013–20532 Filed 8–22–13; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from July 1, 2013, to July 31, 2013.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the U.S. Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/*. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No Schedule A authorities to report during July 2013.

Schedule B

No Schedule B authorities to report during July 2013.

Schedule C

The following Schedule C appointing authorities were approved during July 2013.

Agency name	Organization name	Position title	Authorization number	Effective date
DEPARTMENT OF AGRICULTURE.	Natural Resources Conservation Service	Assistant Chief	DA130107	7/10/2013
		Senior Advisor	DA130121	7/29/2013
	Rural Business Service	Special Assistant	DA130091	7/18/2013
	Office of the Assistant Secretary for Administration.	Special Assistant	DA130110	7/29/2013
	Office of the Assistant Secretary for Congressional Relations.	Deputy Director, Intergovernmental Affairs.	DA130119	7/30/2013
	Office of the General Counsel	Senior Counselor	DA130120	7/30/2013
DEPARTMENT OF COMMERCE.	Office of the General Counsel	Counselor	DC130065	7/1/2013
	Office of the Chief of Staff	Senior Advisor	DC130066	7/1/2013
		Scheduling Assistant	DC130075	7/30/2013
	Immediate Office	Special Assistant	DC130067	7/12/2013
COMMISSION ON CIVIL RIGHTS.	Commissioners	Special Assistant	CC130003	7/11/2013
CONSUMER PRODUCT SAFETY COMMISSION.	Office of Commissioners	Special Assistant	PS130005	7/30/2013
DEPARTMENT OF DEFENSE.	Office of the Assistant Secretary of Defense (Special Operations/Low Intensity Conflict and Interdependent Capabilities).	Special Assistant (Special Operations and Low Intensity Conflict).	DD130106	7/5/2013
	Office of the Secretary	Advanced Officer	DD130109	7/19/2013
DEPARTMENT OF THE AIR FORCE.	Office of the General Counsel	Attorney-Advisor	DF130034	7/2/2013
DEPARTMENT OF EDUCATION.	Office of Vocational and Adult Education	Chief of Staff	DB130056	7/17/2013
	Office of the Secretary	Chief of Staff	DB130054	7/22/2013
DEPARTMENT OF ENERGY.	Office of the Chief Financial Officer	Chief of Staff	DE130072	7/1/2013
	Advanced Research Projects Agency—Energy	Technology	DE130077	7/12/2013
	Assistant Secretary for Energy Efficiency and Renewable Energy.	Scheduler	DE130082	7/23/2013
	Office of Management	Director of Scheduling and Advance and Senior Advisor for Strategic Planning.	DE130081	7/24/2013
FEDERAL ENERGY REGULATORY COMMISSION.	Office of the Chairman	Confidential Assistant	DR130006	7/30/2013
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Assistant Secretary for Public Affairs.	Senior Advisor for Digital Communications.	DH130096	7/9/2013
	Centers for Medicare and Medicaid Services	Senior Advisor	DH130095	7/10/2013
	Office of the Secretary	Policy Advisor (2)	DH130098	7/12/2013
			DH130099	7/12/2013
		Advance Lead	DH130106	7/29/2013
DEPARTMENT OF HOMELAND SECURITY.	Office of the Under Secretary for Science and Technology.	Advisor	DM130136	7/10/2013
DEPARTMENT OF THE INTERIOR.	Secretary's Immediate Office	Special Assistant (2)	DI130040	7/2/2013
			DI130047	7/17/2013
		Senior Advisor	DI130043	7/10/2013
	United States Fish and Wildlife Service	Special Assistant	DI130045	7/22/2013

Agency name	Organization name	Position title	Authorization number	Effective date
DEPARTMENT OF JUSTICE.	Office of Legislative Affairs	Attorney Advisor	DJ130075	7/30/2013
	Office of the Associate Attorney General	Senior Counsel	DJ130076	7/30/2013
DEPARTMENT OF LABOR.	Office of the Secretary	Deputy Director of the Office of Recovery for Auto Communities and Workers.	DL130038	7/11/2013
		Deputy Director for Auto Communities and Workers	DL130039	7/12/2013
		Special Assistant (2)	DL130043	7/19/2013
			DL130044	7/19/2013
		Policy Advisor	DL130048	7/29/2013
OFFICE OF MANAGEMENT AND BUDGET.	Office of the Director	Assistant	BO130026	7/30/2013
DEPARTMENT OF STATE.	Bureau of Oceans and International Environmental and Scientific Affairs.	Senior Advisor	DS130092	7/9/2013
	Office of the Global Women's Issues	Senior Advisor	DS130098	7/11/2013
	Office of the Secretary	Staff Assistant	DS130100	7/12/2013
DEPARTMENT OF TRANSPORTATION.	Chief Information Officer	Director of Information Technology Strategy.	DT130030	7/22/2013

The following Schedule C appointing authorities were revoked during July 2013.

Agency name	Organization name	Position title	Authorization number	Vacate date
COMMISSION ON CIVIL RIGHTS.	Office of the Commissioner	Special Assistant	CC110002	7/24/13
DEPARTMENT OF AGRICULTURE.	Office of Communications	Deputy Director of Scheduling and Advance.	DA090126	7/3/13
DEPARTMENT OF COMMERCE.	Office of the Assistant Secretary for Economic Development.	Director of Public Affairs	DC100028	7/5/13
	Office of the Chief of Staff	Director of Scheduling and Advance.	DC120135	7/26/13
	Office of the Deputy Secretary	Special Assistant	DC130013	7/27/13
DEPARTMENT OF EDUCATION.	Office of Elementary and Secondary Education	Special Assistant (2)	DB090155	7/2/13
			DB090115	7/11/13
DEPARTMENT OF ENERGY.	Office of the Secretary	Special Assistant	DE120094	7/13/13
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Assistant Secretary for Legislation	Special Assistant to the Deputy Assistant Secretary for Discretionary Health Programs.	DH120010	7/13/13
	Office of the Assistant Secretary for Children and Families.	Director of Public Affairs	DH110070	7/27/13
DEPARTMENT OF HOMELAND SECURITY.	Office of the Executive Secretary for Operations and Administration.	Deputy Secretary, Briefing Book Coordinator.	DM120002	7/12/13
	Federal Emergency Management Agency	Counselor to the Administrator.	DM090405	7/13/13
	Immediate Office of the Deputy Secretary	Special Assistant to the Deputy Secretary.	DM110030	7/13/13
DEPARTMENT OF JUSTICE.	Office of the Attorney General	Counsel	DJ100179	7/13/13
	Office of the Associate Attorney General	Counsel	DJ090240	7/27/13
DEPARTMENT OF LABOR.	Office of the Secretary	Special Assistant (2)	DL090132	7/13/13
			DL120051	7/13/13
DEPARTMENT OF THE AIR FORCE.	Office of the Assistant Secretary, Installations, Environment, and Logistics.	Special Assistant	DF110014	7/3/13
DEPARTMENT OF THE INTERIOR.	Secretary's Immediate Office	Senior Advisor for Southwest and Rocky Mountain Regions.	DI100020	7/2/13
		Staff Assistant	DI110009	7/15/13
		Program Coordinator	DI120014	7/17/13

Agency name	Organization name	Position title	Authorization number	Vacate date
	Office of the Deputy Secretary	Chief of Staff	DI120010	7/5/13
DEPARTMENT OF TRANSPORTATION.	Assistant Secretary for Transportation Policy	Senior Advisor for Accessible Transportation.	DT100051	7/17/13
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Administrator	White House Liaison	EP120028	7/6/13
FEDERAL ENERGY REGULATORY COMMISSION.	Office of the Chairman	Confidential Assistant	DR110005	7/25/13

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

[FR Doc. 2013–20534 Filed 8–22–13; 8:45 am]

BILLING CODE 6325–39–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 6a–4, Form 1–N, SEC File No. 270–496, OMB Control No. 3235–0554.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information provided for in Rule 6a–4 and Form 1–N, as discussed below. The Code of Federal Regulation citation to this collection of information is 17 CFR 240.6a–4 and 17 CFR 249.10 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the ''Act'').

Section 6 of the Act [1] sets out a framework for the registration and regulation of national securities exchanges. Under the Commodity Futures Modernization Act of 2000, a futures market may trade security futures products by registering as a national securities exchange. Rule 6a–4 [2] sets forth these registration procedures and directs futures markets to submit a notice registration on Form 1–N.[3] Form 1–N calls for information regarding how the futures market operates, its rules and procedures, corporate governance, its criteria for membership, its subsidiaries and affiliates, and the security futures products it intends to trade. Rule 6a–4 also requires entities that have submitted an initial Form 1–N to file: (1) Amendments to Form 1–N in the event of material changes to the information provided in the initial Form 1–N; (2) periodic updates of certain information provided in the initial Form 1–N; (3) certain information that is provided to the futures market's members; and (4) a monthly report summarizing the futures market's trading of security futures products. The information required to be filed with the Commission pursuant to Rule 6a–4 is designed to enable the Commission to carry out its statutorily mandated oversight functions and to ensure that registered and exempt exchanges continue to be in compliance with the Act.

The respondents to the collection of information are futures markets.

The Commission estimates that the total annual burden for all respondents to provide ad hoc amendments [4] to keep the Form 1–N accurate and up to date as required under Rule 6a–4 would be 45 hours (15 hours/respondent per year × 3 respondents [5]) and $300 of miscellaneous clerical expenses. The Commission estimates that the total annual burden for all respondents to provide annual and three-year amendments [6] under Rule 6a–4 would be 88 hours (22 hours/respondent per year × 4 respondents) and $576 ($144 per year × 4 respondents [7]). The Commission estimates that the total annual burden for the filing of the supplemental information [8] and the monthly reports required under Rule 6a–4 would be 50 hours (12.5 hours/respondent per year × 4 respondents [9]) and $500 of miscellaneous clerical expenses. Thus, the Commission estimates the total annual burden for complying with Rule 6a–4 is 175 hours and $1333 in miscellaneous clerical expenses.

Compliance with Rule 6a–4 is mandatory. Information received in response to Rule 6a–4 shall not be kept confidential; the information collected is public information.

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 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: August 19, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20571 Filed 8–22–13; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78f.

[2] 17 CFR 240.6a–4.

[3] 17 CFR 249.10.

[4] 17 CFR 240.6a–4(b)(1).

[5] Based on prior data, the Commission estimates that the three exchanges will file amendments with the Commission in order to keep their Form 1–N current.

[6] 17 CFR 240.6a–4(b)(3) and (4).

[7] The Commission notes that while there are currently five Security Futures Product Exchanges, one of those exchanges, NQLX, is dormant. Thus, a total of four exchanges are active and required to submit mandatory amendments pursuant to Rule 6a–4.

[8] 17 CFR 240.6a–4(c)

[9] *See supra* footnote 7.

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 7d–2; SEC File No. 270–464, OMB Control No. 3235–0527.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension and approval of the collection of information discussed below.

In Canada, as in the United States, individuals can invest a portion of their earnings in tax-deferred retirement savings accounts (''Canadian retirement accounts''). These accounts, which operate in a manner similar to individual retirement accounts in the United States, encourage retirement savings by permitting savings on a tax-deferred basis. Individuals who establish Canadian retirement accounts while living and working in Canada and who later move to the United States (''Canadian-U.S. Participants'' or ''participants'') often continue to hold their retirement assets in their Canadian retirement accounts rather than prematurely withdrawing (or ''cashing out'') those assets, which would result in immediate taxation in Canada.

Once in the United States, however, these participants historically have been unable to manage their Canadian retirement account investments. Most investment companies (''funds'') that are ''qualified companies'' for Canadian retirement accounts are not registered under the U.S. securities laws. Securities of those unregistered funds, therefore, generally cannot be publicly offered and sold in the United States without violating the registration requirement of the Investment Company Act of 1940 (''Investment Company Act'').[1] As a result of this registration requirement, Canadian-U.S. Participants previously were not able to purchase or exchange securities for their Canadian retirement accounts as needed to meet their changing investment goals or income needs.

The Commission issued a rulemaking in 2000 that enabled Canadian-U.S. Participants to manage the assets in their Canadian retirement accounts by providing relief from the U.S. registration requirements for offers of securities of foreign issuers to Canadian-U.S. Participants and sales to Canadian retirement accounts.[2] Rule 7d–2 under the Investment Company Act [3] permits foreign funds to offer securities to Canadian-U.S. Participants and sell securities to Canadian retirement accounts without registering as investment companies under the Investment Company Act.

Rule 7d–2 contains a ''collection of information'' requirement within the meaning of the Paperwork Reduction Act of 1995.[4] Rule 7d–2 requires written offering materials for securities offered or sold in reliance on that rule to disclose prominently that those securities and the fund issuing those securities are not registered with the Commission, and that those securities and the fund issuing those securities are exempt from registration under U.S. securities laws. Rule 7d–2 does not require any documents to be filed with the Commission.

Rule 7d–2 requires written offering documents for securities offered or sold in reliance on the rule to disclose prominently that the securities are not registered with the Commission and may not be offered or sold in the United States unless registered or exempt from registration under the U.S. securities laws, and also to disclose prominently that the fund that issued the securities is not registered with the Commission. The burden under the rule associated with adding this disclosure to written offering documents is minimal and is non-recurring. The foreign issuer, underwriter, or broker-dealer can redraft an existing prospectus or other written offering material to add this disclosure statement, or may draft a sticker or supplement containing this disclosure to be added to existing offering materials. In either case, based on discussions with representatives of the Canadian fund industry, the staff estimates that it would take an average of 10 minutes per document to draft the requisite disclosure statement.

The staff estimates that there are 2866 publicly offered Canadian funds that potentially would rely on the rule to offer securities to participants and sell securities to their Canadian retirement accounts without registering under the Investment Company Act.[5] The staff estimates that all of these funds have previously relied upon the rule and have already made the one-time change to their offering documents required to rely on the rule. The staff estimates that 143 (5 percent) additional Canadian funds may newly rely on the rule each year to offer securities to Canadian-U.S. Participants and sell securities to their Canadian retirement accounts, thus incurring the paperwork burden required under the rule. The staff estimates that each of those funds, on average, distributes 3 different written offering documents concerning those securities, for a total of 429 offering documents. The staff therefore estimates that 143 respondents would make 429 responses by adding the new disclosure statement to 429 written offering documents. The staff therefore estimates that the annual burden associated with the rule 7d–2 disclosure requirement would be 71.5 hours (429 offering documents × 10 minutes per document). The total annual cost of these burden hours is estimated to be $27,099 (71.5 hours × $379 per hour of attorney time).[6]

These burden hour estimates are based upon the Commission staff's experience and discussions with the fund industry. The estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information requirements of the rule is mandatory and is necessary to comply with the requirements of the rule in general. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of

[1] 15 U.S.C. 80a. In addition, the offering and selling of securities that are not registered pursuant to the Securities Act of 1933 (''Securities Act'') is generally prohibited by U.S. securities laws. 15 U.S.C. 77.

[2] *See* Offer and Sale of Securities to Canadian Tax-Deferred Retirement Savings Accounts, Release Nos. 33–7860, 34–42905, IC–24491 (June 7, 2000) [65 FR 37672 (June 15, 2000)]. This rulemaking also included new rule 237 under the Securities Act, permitting securities of foreign issuers to be offered to Canadian-U.S. Participants and sold to Canadian retirement accounts without being registered under the Securities Act. 17 CFR 230.237.

[3] 17 CFR 270.7d–2.

[4] 44 U.S.C. 3501–3502.

[5] Investment Company Institute, 2013 Investment Company Fact Book (2013) at 202, tbl. 61.

[6] The Commission's estimate concerning the wage rate for attorney time is based on salary information for the securities industry compiled by the Securities Industry and Financial Markets Association (''SIFMA''). The $379 per hour figure for an attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2012,* modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

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, 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:August 19, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20572 Filed 8–22–13; 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 237; SEC File No. 270–465, OMB Control No. 3235–0528.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension and approval of the collection of information discussed below.

In Canada, as in the United States, individuals can invest a portion of their earnings in tax-deferred retirement savings accounts (''Canadian retirement accounts''). These accounts, which operate in a manner similar to individual retirement accounts in the United States, encourage retirement savings by permitting savings on a tax-deferred basis. Individuals who establish Canadian retirement accounts while living and working in Canada and who later move to the United States (''Canadian-U.S. Participants'' or ''participants'') often continue to hold their retirement assets in their Canadian retirement accounts rather than prematurely withdrawing (or ''cashing out'') those assets, which would result in immediate taxation in Canada.

Once in the United States, however, these participants historically have been unable to manage their Canadian retirement account investments. Most securities that are ''qualified investments'' for Canadian retirement accounts are not registered under the U.S. securities laws. Those securities, therefore, generally cannot be publicly offered and sold in the United States without violating the registration requirement of the Securities Act of 1933 (''Securities Act'').[1] As a result of this registration requirement, Canadian-U.S. Participants previously were not able to purchase or exchange securities for their Canadian retirement accounts as needed to meet their changing investment goals or income needs.

The Commission issued a rulemaking in 2000 that enabled Canadian-U.S. Participants to manage the assets in their Canadian retirement accounts by providing relief from the U.S. registration requirements for offers of securities of foreign issuers to Canadian-U.S. Participants and sales to Canadian retirement accounts.[2] Rule 237 under the Securities Act [3] permits securities of foreign issuers, including securities of foreign funds, to be offered to Canadian-U.S. Participants and sold to their Canadian retirement accounts without being registered under the Securities Act.

Rule 237 requires written offering documents for securities offered and sold in reliance on the rule to disclose prominently that the securities are not registered with the Commission and are exempt from registration under the U.S. securities laws. The burden under the rule associated with adding this disclosure to written offering documents is minimal and is non-recurring. The foreign issuer, underwriter, or broker-dealer can redraft an existing prospectus or other written offering material to add this disclosure statement, or may draft a sticker or supplement containing this disclosure to be added to existing offering materials. In either case, based on discussions with representatives of the Canadian fund industry, the staff estimates that it would take an average of 10 minutes per document to draft the requisite disclosure statement.

The Commission understands that there are approximately 4101 Canadian issuers other than funds that may rely on rule 237 to make an initial public offering of their securities to Canadian-U.S. Participants.[4] The staff estimates that in any given year approximately 41 (or 1 percent) of those issuers are likely to rely on rule 237 to make a public offering of their securities to participants, and that each of those 41 issuers, on average, distributes 3 different written offering documents concerning those securities, for a total of 123 offering documents.

The staff therefore estimates that during each year that rule 237 is in effect, approximately 41 respondents [5] would be required to make 123 responses by adding the new disclosure statements to approximately 123 written offering documents. Thus, the staff estimates that the total annual burden associated with the rule 237 disclosure requirement would be approximately 20.5 hours (123 offering documents × 10 minutes per document). The total annual cost of burden hours is estimated to be $7769.50 (20.5 hours × $379 per hour of attorney time).[6]

In addition, issuers from foreign countries other than Canada could rely on rule 237 to offer securities to Canadian-U.S. Participants and sell securities to their accounts without

[1] 15 U.S.C. 77. In addition, the offering and selling of securities of investment companies (''funds'') that are not registered pursuant to the Investment Company Act of 1940 (''Investment Company Act'') is generally prohibited by U.S. securities laws. 15 U.S.C. 80a.

[2] *See* Offer and Sale of Securities to Canadian Tax-Deferred Retirement Savings Accounts, Release Nos. 33–7860, 34–42905, IC–24491 (June 7, 2000) [65 FR 37672 (June 15, 2000)]. This rulemaking also included new rule 7d-2 under the Investment Company Act, permitting foreign funds to offer securities to Canadian-U.S. Participants and sell securities to Canadian retirement accounts without registering as investment companies under the Investment Company Act. 17 CFR 270.7d-2.

[3] 17 CFR 230.237.

[4] This estimate is based on the following calculation: 3970 equity issuers + 131 bond issuers = 4101 total issuers. *See* World Federation of Exchanges, Number of Listed Issuers, *available at http://www.world-exchanges.org/statistics/annual-query-tool* (providing number of equity issuers listed on Canada's Toronto Stock Exchange in 2012). After 2009, the World Federation of Exchanges ceased reporting the number of fixed-income issuers on Canada's Toronto Stock Exchange. The number of fixed-income issuers in 2012 is based on the ratio of the number of fixed-income issuers listed on Canada's Toronto Stock Exchange in 2009 (111) relative to the number of bonds listed on that exchange in that year (178) multiplied against the number of bonds listed on that exchange in 2012 (210): (111/178) × 210 = 131.

[5] This estimate of respondents only includes foreign issuers. The number of respondents would be greater if foreign underwriters or broker-dealers draft stickers or supplements to add the required disclosure to existing offering documents.

[6] The Commission's estimate concerning the wage rate for attorney time is based on salary information for the securities industry compiled by the Securities Industry and Financial Markets Association (''SIFMA''). The $379 per hour figure for an attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2012,* modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

becoming subject to the registration requirements of the Securities Act. However, the staff believes that the number of issuers from other countries that rely on rule 237, and that therefore are required to comply with the offering document disclosure requirements, is negligible.

These burden hour estimates are based upon the Commission staff's experience and discussions with the fund industry. The estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information requirements of the rule is mandatory and is necessary to comply with the requirements of the rule in general. Responses 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, 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: August 19, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20575 Filed 8–22–13; 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 15Ba2–1 and Form MSD, SEC File No. 270–0088, OMB Control No. 3235–0083.

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 extension of the previously approved collection of information provided for in Rule 15Ba2–1 (17 CFR 240.15Ba2–1) and Form MSD (17 CFR 249.1100) under the Securities Exchange Act of 1934 (''Exchange Act'') (17 U.S.C. 78a *et seq.*).

Rule 15Ba2–1 provides that an application for registration with the Commission by a bank municipal securities dealer must be filed on Form MSD. The Commission uses the information obtained from Form MSD filings to determine whether bank municipal securities dealers meet the standards for registration set forth in the Act, to maintain a central registry where members of the public may obtain information about particular bank municipal securities dealers, and to develop risk assessment information about bank municipal securities dealers.

Based upon past submissions, the staff estimates that approximately 22 respondents will utilize this application procedure annually. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 15Ba2–1 and Form MSD is 1.5 hours per respondent, for a total burden of 33 hours per year. The staff estimates that the average internal compliance cost per hour is approximately $310. Therefore, the estimated total annual cost of compliance for the respondents is approximately $10,230.

Rule 15Ba2–1 does not contain an explicit recordkeeping requirement, but the rule does require the prompt correction of any information on Form MSD that becomes inaccurate, meaning that bank municipal securities dealers need to maintain a current copy of Form MSD indefinitely. Providing the information on the application is mandatory in order to register with the Commission as a bank municipal securities dealer. The information contained in the application 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 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 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 by email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 19, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20573 Filed 8–22–13; 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 15Bc3–1 and Form MSDW; SEC File No. 270–93, OMB Control No. 3235–0087.

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 15Bc3–1 (17 CFR 240.15Bc3–1) and Form MSDW (17 CFR 249.1110) under the Securities Exchange Act of 1934 (17 U.S.C. 78a *et seq.*).

Rule 15Bc3–1 provides that a notice of withdrawal from registration with the Commission as a bank municipal securities dealer must be filed on Form MSDW. The Commission uses the information contained in Form MSDW in determining whether it is in the public interest to permit a bank municipal securities dealer to withdraw its registration. This information is also important to the municipal securities dealer's customers and to the public, because it provides, among other things, the name and address of a person to contact regarding any of the municipal securities dealer's unfinished business.

Based upon past submissions, the staff estimates that, on an annual basis, approximately three bank municipal securities dealers will file a notice of withdrawal from registration with the

Commission as a bank municipal securities dealer on Form MSDW. The staff estimates that the average number of hours necessary to comply with the notice requirements set out in Rule 15Bc3–1 and Form MSDW is 0.5 per respondent, for a total burden of 1.5 hours per year. The staff estimates that the average internal compliance cost per hour is approximately $310. Therefore, the estimated total cost of compliance for the respondents is approximately $465.

Providing the information on the application is mandatory in order to register with the Commission as a bank municipal securities dealer. The information contained in the application 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 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 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 by email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 19, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20574 Filed 8–22–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70228; File No. 4–663]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Order Approving and Declaring Effective a Plan for the Allocation of Regulatory Responsibilities Between the Financial Industry Regulatory Authority, Inc. and the Topaz Exchange, LLC

August 19, 2013.

On July 2, 2013, the Financial Industry Regulatory Authority, Inc. (''FINRA'') and the Topaz Exchange, LLC (''Topaz'') (together with FINRA, the ''Parties'') filed with the Securities and Exchange Commission (''Commission'') a plan for the allocation of regulatory responsibilities, dated June 21, 2013 (''17d–2 Plan'' or the ''Plan''). The Plan was published for comment on August 1, 2013.[1] The Commission received no comments on the Plan. This order approves and declares effective the Plan.

I. Introduction

Section 19(g)(1) of the Securities Exchange Act of 1934 (''Act''),[2] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act.[3] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[4] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[5] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[6] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[7] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[8] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. Proposed Plan

On July 26, 2013, the Commission granted Topaz's application for registration as a national securities exchange.[9] The proposed 17d–2 Plan is intended to reduce regulatory duplication for firms that are common members of both Topaz and FINRA.[10] Pursuant to the proposed 17d–2 Plan, FINRA would assume certain examination and enforcement responsibilities for common members with respect to certain applicable laws, rules, and regulations.

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[1] *See* Securities Exchange Act Release No. 70053 (July 26, 2013), 78 FR 46656.

[2] 15 U.S.C. 78s(g)(1).

[3] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[4] 15 U.S.C. 78q(d)(1).

[5] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[6] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[7] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[8] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[9] *See* Securities Exchange Act Release No. 70050 (July 26, 2013), 78 FR 46622 (August 1, 2013) (File No. 10–209).

[10] The proposed 17d–2 Plan refers to these common members as ''Dual Members.'' *See* Paragraph 1(c) of the proposed 17d–2 Plan.

The text of the Plan delineates the proposed regulatory responsibilities with respect to the Parties. Included in the proposed Plan is an exhibit (the ''Topaz Certification of Common Rules,'' referred to herein as the ''Certification'') that lists every Topaz rule for which FINRA would bear responsibility under the Plan for overseeing and enforcing with respect to Topaz members that are also members of FINRA and the associated persons therewith (''Dual Members'').

Specifically, under the 17d–2 Plan, FINRA would assume examination and enforcement responsibility relating to compliance by Dual Members with the rules of Topaz that are substantially similar to the applicable rules of FINRA,[11] as well as any provisions of the federal securities laws and the rules and regulations thereunder delineated in the Certification (''Common Rules''). In the event that a Dual Member is the subject of an investigation relating to a transaction on Topaz, the plan acknowledges that Topaz may, in its discretion, exercise concurrent jurisdiction and responsibility for such matter.[12]

Under the Plan, Topaz would retain full responsibility for surveillance and enforcement with respect to trading activities or practices involving Topaz's own marketplace, including, without limitation, registration pursuant to its applicable rules of associated persons (*i.e.,* registration rules that are not Common Rules); its duties as a DEA pursuant to Rule 17d–1 under the Act; and any Topaz rules that are not Common Rules.[13]

III. Discussion

The Commission finds that the proposed Plan is consistent with the factors set forth in Section 17(d) of the Act[14] and Rule 17d–2(c) thereunder[15] in that the proposed Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. In particular, the Commission believes that the proposed Plan should reduce unnecessary regulatory duplication by allocating to FINRA certain examination and enforcement responsibilities for Dual Members that would otherwise be performed by both Topaz and FINRA. Accordingly, the proposed Plan promotes efficiency by reducing costs to Dual Members. Furthermore, because Topaz and FINRA will coordinate their regulatory functions in accordance with the Plan, the Plan should promote investor protection. The Commission notes that the proposed Plan would allocate regulatory responsibility between Topaz and FINRA in a manner similar to the allocation of regulatory responsibility that currently exists between the International Securities Exchange, LLC (''ISE'') and FINRA.[16]

The Commission notes that, under the Plan, Topaz and FINRA have allocated regulatory responsibility for those Topaz rules, set forth on the Certification, that are substantially similar to the applicable FINRA rules in that examination for compliance with such provisions and rules would not require FINRA to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of the rule, or a Dual Member's activity, conduct, or output in relation to such rule. In addition, under the Plan, FINRA would assume regulatory responsibility for certain provisions of the federal securities laws and the rules and regulations thereunder that are set forth in the Certification. The Common Rules covered by the Plan are specifically listed in the Certification, as may be amended by the Parties from time to time.

According to the Plan, Topaz will review the Certification, at least annually, or more frequently if required by changes in either the rules of Topaz or FINRA, and, if necessary, submit to FINRA an updated list of Common Rules to add Topaz rules not included on the then-current list of Common Rules that are substantially similar to FINRA rules; delete Topaz rules included in the then-current list of Common Rules that are no longer substantially similar to FINRA rules; and confirm that the remaining rules on the list of Common Rules continue to be Topaz rules that are substantially similar to FINRA rules.[17] FINRA will then confirm in writing whether the rules listed in any updated list are Common Rules as defined in the Plan. Under the Plan, Topaz will also provide FINRA with a current list of Dual Members and shall update the list no less frequently than once each quarter.[18] The Commission believes that these provisions are designed to provide for continuing communication between the Parties to ensure the continued accuracy of the scope of the proposed allocation of regulatory responsibility.

The Commission is hereby declaring effective a plan that, among other things, allocates regulatory responsibility to FINRA for the oversight and enforcement of all Topaz rules that are substantially similar to the rules of FINRA for Dual Members of Topaz and FINRA. Therefore, modifications to the Certification need not be filed with the Commission as an amendment to the Plan, provided that the Parties are only adding to, deleting from, or confirming changes to Topaz rules in the Certification in conformance with the definition of Common Rules provided in the Plan. However, should the Parties decide to add a Topaz rule to the Certification that is not substantially similar to a FINRA rule; delete a Topaz rule from the Certification that is substantially similar to a FINRA rule; or leave on the Certification a Topaz rule that is no longer substantially similar to a FINRA rule, then such a change would constitute an amendment to the Plan, which must be filed with the Commission pursuant to Rule 17d–2 under the Act and noticed for public comment.[19]

The Plan also permits Topaz and FINRA to terminate the Plan, subject to notice.[20] The Commission notes, however, that while the Plan permits the Parties to terminate the Plan, the Parties cannot by themselves reallocate the regulatory responsibilities set forth in the Plan, since Rule 17d–2 under the Act requires that any allocation or re-allocation of regulatory responsibilities be filed with the Commission.[21]

[11] *See* paragraph 1(b) of the proposed 17d–2 Plan (defining Common Rules). *See also* paragraph 1(f) of the proposed 17d–2 Plan (defining Regulatory Responsibilities). Paragraph 2 of the Plan provides that annually, or more frequently as required by changes in either Topaz rules or FINRA rules, the parties shall review and update, if necessary, the list of Common Rules. Further, paragraph 3 of the Plan provides that Topaz shall furnish FINRA with a list of Dual Members, and shall update the list no less frequently than once each calendar quarter.

[12] *See* paragraph 6 of the proposed 17d–2 Plan.

[13] *See* paragraph 2 of the proposed 17d–2 Plan.

[14] 15 U.S.C. 78q(d).

[15] 17 CFR 240.17d–2(c).

[16] The proposed new Topaz rules are based to a substantial extent on the rules of the ISE. The ISE currently is party to a 17d–2 plan with FINRA. *See* Securities Exchange Act Release No. 55367 (February 27, 2007), 72 FR 9983 (March 6, 2007) (File No. 4–529) (order approving and declaring effective the plan between the ISE and NASD (n/k/a FINRA)).

[17] *See* paragraph 2 of the proposed 17d–2 Plan.

[18] *See* paragraph 3 of the proposed 17d–2 Plan.

[19] The Commission also notes that the addition to or deletion from the Certification of any federal securities laws, rules, and regulations for which FINRA would bear responsibility under the Plan for examining, and enforcing compliance by, Dual Members, also would constitute an amendment to the Plan.

[20] *See* paragraph 12 of the proposed 17d–2 Plan.

[21] The Commission notes that paragraph 12 of the Plan reflects the fact that FINRA's responsibilities under the Plan will continue in effect until the Commission approves any termination of the Plan.

IV. Conclusion

This Order gives effect to the Plan filed with the Commission in File No. 4–663. The Parties shall notify all members affected by the Plan of their rights and obligations under the Plan.

It is therefore ordered, pursuant to Section 17(d) of the Act, that the Plan in File No. 4–663, between FINRA and Topaz, filed pursuant to Rule 17d–2 under the Act, is approved and declared effective.

It is further ordered that Topaz is relieved of those responsibilities allocated to FINRA under the Plan in File No. 4–663.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20568 Filed 8–22–13; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70230; File No. SR–EDGX–2013–32]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Eliminate EDGX Rule 13.4

August 19, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on August 7, 2013, EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') 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 self-regulatory organization. EDGX filed the proposal pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b-4(f)(6)[4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization,'' which permits the Exchange to establish a signature guarantee program. All of the changes described herein are applicable to Members.[5] The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization,'' which permits the Exchange to establish a signature guarantee program. In sum, a signature guarantee program allows an investor who seeks to transfer or sell securities held in physical certificate form to have their signature on the certificate ''guaranteed.'' Rule 13.4 permits Members to guarantee their signatures by authorizing one or more of their employees to assign registered securities in the Member's name and to guarantee assignments of registered securities on behalf of the Member where the security had been signed by one of the partners of the Member or by one of the authorized officers of the Member by executing and filing with the Exchange a separate Power of Attorney, also known as a traditional signature card program. Transfer agents often insist that a signature be guaranteed before they accept the transaction because it limits their liability and losses if a signature turns out to be forged.

Rule 17Ad–15 under the Act permits transfer agents to reject signature guarantees from eligible guarantor institutions that are not part of a signature guarantee program.[6] The rule encouraged a movement away from the traditional signature card programs administered by the exchanges towards signature guarantee programs that use a medallion imprint or stamp which evidences their participation in the program and is an acceptable signature guarantee (''Medallion Signature Guarantee Program'').[7] The Commission has also noted that:

> [a]n investor can obtain a signature guarantee from a financial institution—such as a commercial bank, savings bank, credit union, or broker dealer—that participates in one of the Medallion signature guarantee programs. * * * If a financial institution is not a member of a recognized Medallion Signature Guarantee Program, it would not be able to provide signature guarantees. Also, if [an investor is] not a customer of a participating financial institution, it is likely the financial institution will not guarantee [the investor's] signature. Therefore, the best source of a Medallion Guarantee would be a bank, savings and loan association, brokerage firm, or credit union with which [the investor does] business.[8]

In response to Rule 17Ad–15, certain exchanges have decommissioned or amended their rules to no longer provide for traditional signature card program.[9] While the Exchange adopted

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] A Member is any registered broker or dealer, or any person associated with a registered broker or dealer that has been admitted to membership in the Exchange.

[6] *See* 17 CFR 240.17Ad–15; Securities Exchange Act Release No. 30146 (January 10, 1992), 57 FR 1082 (February 24, 1992) (adopting Rule 17Ad–15).

[7] *See, e.g.,* Securities Exchange Act Release No. 33669 (February 23, 1994), 59 FR 10189 (March 3, 1994) (SR–MSTC–93–13) (''[t]his newly adopted Rule 17Ad–15 rule rendered [Midwest Securities Trust Company's (''MSTC'')] Signature Distribution Program and Signature Guarantee Program obsolete. Therefore, to avoid costs that produce no benefits, MSTC eliminated its Signature Distribution and Signature Guarantee Programs and deleted MSTC Rule 5, Sections 1 and 2 which govern these programs'').

[8] *See* ''Signature Guarantees: Preventing the Unauthorized Transfer of Securities,'' *http://www.sec.gov/answers/sigguar.htm* (last modified May 20, 2009).

[9] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15) (noting that ''[b]y eliminating its signature guarantee program, PHLX will streamline the signature guarantee process. In place of the cumbersome signature card system, PHLX will require participation in a Rule 17Ad–15 Signature Guarantee Program''). In 2006, the Philadelphia Stock Exchange, Inc. (currently Nasdaq OMX PHLX LLC) (''PHLX'') eliminated Rules 327—340 regarding signature guarantees in their entirety from its rulebook, noting that they are ''being deleted as obsolete because they refer to the delivery and settlement of securities, which is not done by the Exchange, but by registered clearing agencies.'' Securities Exchange Act Release No. 54329 (August 17, 2006), 71 FR 504538 (August 25, 2006) (SR–

Continued

Rule 13.4 as part of its Form 1 exchange application,[10] it has never offered, and does not now intend to offer, a signature guarantee service. The move towards Medallion Signature Guarantee Programs has also rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange proposes to eliminate Rule 13.4.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [11] and furthers the objectives of Section 6(b)(5) of the Act,[12] in that it is designed promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest by eliminating unnecessary confusion with respect to the Exchange's rules. Rule 17Ad–15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. In response, certain exchanges have decommissioned or amended their rules to no longer provide for a traditional signature card program.[13] The Exchange has never offered, and does not now intend to offer, a signature guarantee service. Also, the move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange believes eliminating Rule 13.4 would clarify the Exchange's rules by eliminating rules that account for services the Exchange does not provide. The Exchange also believes the elimination of unnecessary and obsolete rules removes impediments to the perfection of the mechanisms for a free and open market system consistent with the requirements of Section 6(b)(5) of the Act.[14]

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition. Rule 17Ad–15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. In response, certain exchanges have decommissioned or amended their rules to no longer provide for a traditional signature card program.[15] An investor may still obtain a signature guarantee from a financial institution that participates in one of the Medallion Signature Guarantee Programs. The Exchange has never offered, and does not intend to offer, a signature guarantee service. Also, the move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange believes eliminating Rule 13.4 would not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A) [16] of the Act and Rule 19b–4(f)(6) [17] thereunder. The proposed rule change effects a change that (A) Does not significantly affect the protection of investors or the public interest; (B) does not impose any significant burden on competition; and (C) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

The Exchange provided the Commission with 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 (5) business days prior to the date of filing.[18]

The Exchange believes that the proposed rule change meets the criteria of subparagraph (f)(6) of Rule 19b–4 [19] because it would clarify the Exchange's rules by eliminating rules that account for services the Exchange does not provide. The Exchange has never offered, and does not intend to offer, a signature guarantee service. Rule 17Ad–15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. This move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Today, an investor can obtain a signature guarantee from a financial institution that participates in one of the Medallion Signature Guarantee Programs. Therefore, the Exchange believes eliminating Rule 13.4 is non-controversial because it would clarify the Exchange's rules by eliminating rules that account for services the Exchange does not provide. Accordingly, the Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act [20] and paragraph (f)(6) of Rule 19b–4 thereunder.[21]

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,

PHLX–2006–43); Securities Exchange Act Release No. 54538 (September 28, 2006), 71 FR 59184 (October 6, 2006 (order approving SR–PHLX–2006–43).

[10] *See* Securities Exchange Act Release No. 60651 (September 11, 2009), 74 FR 47827 (September 17, 2009) (File Nos. 10.193 and 10–194) (Notice of Filing of Exchange Applications for EDGX and EDGA Exchange, Inc. (''EDGA'')); Securities Exchange Act Release No. 61698 (March 12, 2010), 75 FR 13151 (March 18, 2010) (File Nos. 10–193 and 10–194) (Order Approving Exchange Applications for EDGX and EDGA).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (SR–PHLX–92–39) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (SR–PHLX–92–39) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] 17 CFR 240.19b–4(f)(6).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6).

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–EDGX–2013–32 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–EDGX–2013–32. 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–EDGX–2013–32 and should be submitted on or before September 13, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20612 Filed 8–22–13; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70229; File No. SR–C2–2013–031]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Change the Expiration Date for Most Options Contracts to the Third Friday of the Expiration Month Instead of the Saturday Following the Third Friday

August 19, 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 August 13, 2013, C2 Options Exchange, Incorporated (''Exchange'' or ''C2'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange rules to change the expiration date for most option contracts to the third Friday of the expiration month instead of the Saturday following the third Friday. The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, 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.

[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 Commission recently approved The Options Clearing Corporation (''OCC'') proposal to change the expiration date for most standard options contracts from Saturday to Friday.[3] Subsequently, the Chicago Board Options Exchange, Incorporated (''CBOE'') filed an immediately effective rule change to conform its rules to the recently approved OCC rule.[4] With this filing, C2 is proposing to adopt the same changes as the CBOE filing that are not inherently adopted in C2 Rules as more fully explained below.[5]

More specifically, C2 Chapter 24 (Index Options) was recently amended to change the expiration date for most option contracts to the third Friday of the expiration month instead of the Saturday following the third Friday. The purpose of this proposed rule change is to amend C2 Rule 1.1 (Definitions) by adding a definition for ''Expiration Date'' and replace any reference in the purpose section of any past Exchange rule filings or previously released circulars to any expiration date other than Friday for a standard options contract with the new Friday standard.

CBOE Rules Incorporated by Reference into C2's Rules

The majority of C2's rules are the same as CBOE rules and were adopted as part of the Securities and Exchange Commission's (''SEC or Commission'') order approving C2's application for registration as a national securities exchange.[6] CBOE Rule 24.9 was recently

[3] See Securities Exchange Act Release No. 69772 (June 17, 2013), 78 FR 37645 (June 21, 2013) (order approving SR–OCC–2013–004).

[4] *See* Securities Exchange Act Release No. 70091 (August 1, 2013), 78 FR 48212 (August 8, 2013) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Change the Expiration Date For Most Option Contracts to the Third Friday of the Expiration Month Instead of the Saturday Following the Third Friday) (SR–CBOE–2013–073) (''CBOE Friday expirations filing'').

[5] SR–CBOE–2013–073 amended the rule text of CBOE Rules 1.1(mmm), 23.5, and 24.9. As described in more detail below, CBOE Rule 24.9 is incorporated in its entirety into C2 Rules. CBOE Rule 1.1 is not incorporated into C2 Rules, and as such, as described below in greater detail, C2 is proposing to amend C2 Rule 1.1. Finally, CBOE Rule 23 is not incorporated into C2 Rules, but because Interest Rate Option Contracts do not currently trade on C2, C2 is not proposing to make any conforming changes.

[6] *See* Securities Exchange Act Release No. 61152 (December 10, 2009), 74 FR 66699, 66709–10 (December 16, 2009) (In the Matter of the Application of C2 Options Exchange, Incorporated for Registration as a National Securities Exchange Findings, Opinion, and Order of the Commission

Continued

adopted to add language to these rules stating that any series expiring prior to February 1, 2015 will have a Saturday expiration date while any series expiring on or after February 1, 2015 will have a Friday expiration date.[7] C2 Chapter 24 provides, ''[t]he rules contained in CBOE Chapter XXIV, as such rules may be in effect from time to time, shall apply to C2 and are hereby incorporated into this Chapter.'' Accordingly, Friday expiration dates are permitted on C2.

The Exchange is making this filing to harmonize its rules in connection with a recently approved rule filing made by OCC which made substantially similar changes.[8] The Exchange believes that the industry must remain consistent in expiration dates, and, thus, is proposing to update its rules to remain consistent with those of OCC. In addition, the Exchange understands that other exchanges will be filing similar rules to effect this industry-wide initiative.

Most option contracts (''standard expiration contracts'') currently expire at the ''expiration time'' (11:59 p.m. Eastern Time) on the *Saturday* following the third Friday of the specified expiration month (the ''expiration date'').[9] With this filing, the Exchange is proposing to give advance notice to its Permit Holders that the expiration date for standard expiration contracts is changing to the third *Friday* of the expiration month.[10] (The expiration time would continue to be 11:59 p.m. Eastern Time on the expiration date.) The change would apply only to standard expiration contracts expiring after February 1, 2015, and the Exchange, similar to OCC, does not propose to change the expiration date for any outstanding option contracts. The change will apply only to series of option contracts opened for trading after the effective date of the OCC rule change and having expiration dates later than February 1, 2015. Option contracts having non-standard expiration dates (''non-standard expiration contracts'') will be unaffected by this proposed rule change.

In order to provide a smooth transition to the Friday expiration OCC has begun to move the expiration exercise procedures to Friday for all standard expiration contracts even though the contracts would continue to expire on Saturday.[11] After February 1, 2015, virtually all standard expiration contracts will actually expire on Friday. The only standard expiration contracts that will expire on a Saturday after February 1, 2015 are certain options that were listed prior to the effectiveness of the OCC rule change, and a limited number of options that may be listed prior to necessary systems changes of the options exchanges, which are expected to be completed in August 2013. After these systems changes are made, C2 will not list any additional options with Saturday expiration dates falling after February 1, 2015. C2 understands that the other exchanges are committed to the same listing schedule.

The Exchange notes that OCC, industry groups, clearing members and the other exchanges have been active participants in planning for the transition to the Friday expiration.[12] In March, 2012, OCC began to discuss moving standard contract expirations to Friday expiration dates with industry groups, including two Securities Industry and Financial Markets Association (''SIFMA'') committees, the Operations and Technology Steering Committee and the Options Committee, and at two major industry conferences, the SIFMA Operations Conference and the Options Industry Conference.[13] OCC also discussed the project with the Intermarket Surveillance Group and at an OCC Operations Roundtable. In each case, there was broad support for the initiative.[14]

Certain option contracts have already been listed with Saturday expiration dates as distant as December 2016 (which is the furthest out expiration as of the date of this filing). Additionally, until C2 completes certain systems enhancements in August 2013, it remains possible that additional option contracts may be listed with Saturday expiration dates beyond February 1, 2015. For these contracts, transitioning to a Friday expiration for newly listed option contracts expiring after February 1, 2015 would create a situation under which certain options with open interest would expire on a Saturday while other options with open interest would expire on a Friday in the same expiration month.

Clearing members have expressed a clear preference to not have a mix of options with open interest that expire on different days in a single month.[15] Accordingly, OCC represented in its recently approved filing that it will not issue and clear any new option contract with a Friday expiration if existing option contracts of the same options class expire on the Saturday following the third Friday of the same month. However, Friday expiration processing will be in effect for these Saturday expiration contracts. As with standard expiration options during the transition period, exercise requests received after Friday expiration processing is complete but before the Saturday contract expiration time will continue to be processed without fines or penalties.

Thus, the Exchange is proposing to update its rules to reflect the above discussed change. Consistent with the OCC filing, the Exchange is proposing to add language to these rules stating that any series expiring prior to February 1, 2015 will have a Saturday expiration date while any series expiring on or after February 1, 2015 will have a Friday expiration date.[16] The Exchange is also proposing, with this filing, to replace any reference in the purpose section of any past Exchange rule filings or previously released circulars to any expiration date other than Friday for a standard options contract with the new Friday standard. Essentially, the Exchange is now proposing to replace any historic references to expiration dates to be replaced with the proposed Friday expiration. As stated above, the Exchange believes the proposed change

(File No. 10–191). In the Order, the Commission granted C2's request for exemption, pursuant to Section 36 of the Act, from the rule filing requirements of Section 19(b) of the Act with respect to the rules that C2 proposed to incorporate by reference. The exemption was conditioned upon C2 providing written notice to its members whenever CBOE proposes to change a rule that C2 has incorporated by reference. In the Order, the Commission stated its belief that ''this exemption is appropriate in the public interest and consistent with the protection of investors because it will promote more efficient use of Commission and SRO resources by avoiding duplicative rule flings [sic] based on simultaneous changes to identical rules sought by more than one SRO.''

C2 satisfied this requirement with respect to the new Friday expiration dates by posting a copy of the CBOE rule filing to allow for Friday expirations (SR–CBOE–2013–073) on C2's rule filing Web site at the same time the CBOE rule filing was posted to the CBOE rule filing Web site. The C2 rule filing Web site is located at: *http://www.c2exchange.com/Legal/RuleFilings.aspx*. By posting CBOE rule filings to C2's rule filing Web site that amend C2's rule by reference, the Exchange provides its members with notice of the proposed rule change so that they have an opportunity to comment on it.

[7] *See* note 4 *supra*.

[8] *See* note 3 *supra*.

[9] Examples of options with non-standard expiration contracts include: Volatility Index options (Rule 24.9(a)(5)), Quarterly Index expirations (Rule 24.9(c)), End of Week and End of Month expirations (Rule 24.9(e)), Quarterly Option Series (Rules 5.5(e) and 24.9(a)(2)(B)) and Short Term Option Series (Rules 5.5(d) and 24.9(a)(2)(A)).

[10] The Exchange has already given notice to Permit Holders regarding the anticipated change. *See* Exchange Regulatory Circular RG12–046 released on October 5, 2012.

[11] *See* SR–OCC–2013–04.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] With the exception of expirations that were listed prior to the effective date of the OCC filing and have open interest.

will keep the Exchange consistent with the processing at OCC and will enable the Exchange to give effect to the industry-wide initiative. In addition, the Exchange understands that other exchanges will be filing similar rules, thus creating a uniform expiration date for standard options on listed classes.

Chapter 1, however, to C2's rules does not incorporate CBOE's rules by reference. Accordingly, C2 proposes to add new paragraph to C2 Rule 1.1 to define ''Expiration Date'' to be consistent with the revised OCC definition.[17]

The Exchange plans to release another circular to Permit Holders to put Permit Holders on notice of this change prior to the implementation of the rule.

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.[18] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[19] 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 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[20] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that keeping its rules consistent with those of the industry will protect all participants in the market by eliminating confusion. The proposed changes thus allow for a more orderly market by allowing all options markets, including the clearing agencies, to have the same expiration date for standard options. In addition, the proposed changes will foster cooperation and coordination with persons engaged in regulating clearing, settling, processing information with respect to, and facilitating transactions in securities by aligning a pivotal part of the options processing to be consistent industry wide. If the industry were to differ, investors would suffer from confusion and be more vulnerable to violate different exchange rules. The proposed changes do not permit unfair discrimination between any Permit Holders because they are applied to all Permit Holders equally. In the alternative, the Exchange believes that it helps all Permit Holders by keeping the Exchange consistent with OCC practices and those of other Exchanges.

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. Specifically, the Exchange does not believe the proposed rule change will impose a burden on intramarket competition because it will be applied to all Permit Holders equally. In addition, the Exchange does not believe the proposed rule change will impose any burden to intermarket competition because it will be applied industry wide and apply to all market participants. The proposed rule change is structured to enhance competition because the shift from an expiration date of the Saturday following the third Friday to the third Friday is anticipated to be adopted industry-wide and will apply to all multiply listed classes. This in turn will allow C2 to compete more effectively with other exchanges making similar rule changes.

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. The Exchange notes, however, that a favorable comment was submitted to the OCC filing.

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[21] and Rule 19b–4(f)(6)[22] 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–C2–2013–031 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–C2–2013–031. 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;

[17] *See* note 11 *supra.*

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] *Id.*

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6).

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–C2–2013–031 and should be submitted on or before September 13, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20570 Filed 8–22–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70227; File No. SR–FINRA–2013–034]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Form U4 Regarding the Reporting of Unsatisfied Judgments and Liens

August 19, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 13, 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, II, and III below, which Items 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 amend the Uniform Application for Securities Industry Registration or Transfer (''Form U4'') with respect to the reporting of unsatisfied judgments and liens.

The proposed rule change does not make any changes to the text of FINRA rules.

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.

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, Proposed Rule Change

1. Purpose

The Form U4 is the Uniform Application for Securities Industry Registration or Transfer. Representatives of broker-dealers, investment advisers, or issuers of securities must use the Form U4 to become registered in the appropriate jurisdictions and with the appropriate self-regulatory organizations (''SROs''). The Form U4 elicits administrative information (*e.g.,* residential history, office of employment, outside business activities) and disclosure information (*e.g.,* criminal charges and convictions, customer complaints, bankruptcies) about a representative. Firms and individuals have a continuing obligation to ensure that a Form U4 is timely updated when an event or proceeding occurs that renders a prior response on the form inaccurate or incomplete.

Section 14 of the Form U4 sets forth a series of questions regarding the existence of disclosure events that must be answered in the affirmative or negative. Additional details must be provided on the appropriate Disclosure Reporting Page (''DRP'') for any affirmative answer to those questions. One of the disclosure events that must be reported on Form U4 involves unsatisfied judgments and liens. To report that a registered representative has become subject to an unsatisfied judgment or lien, a firm must respond affirmatively to Question 14M on Form U4 and then complete the corresponding Judgment/Lien DRP to provide details about the unsatisfied judgment or lien. An unsatisfied judgment or lien must be reported no later than 30 days after a registered representative learns of the facts or circumstances giving rise to the event (*i.e.,* the filing of the judgment or lien).[4]

In connection with fee changes implemented last year, it came to FINRA's attention that the Form U4 does not elicit a piece of information regarding an unsatisfied judgment or lien that is essential in enabling the CRD system to identify whether such a matter has been reported late. Specifically, the Judgment/Lien DRP elicits information only about the date a judgment or lien was filed;[5] it does not elicit information about the date that the registered representative learned of the judgment or lien. In addition, the CRD system is programmed to determine whether a matter has been reported late based on a comparison of the date the judgment or lien was filed and the date it was reported. As result, the CRD system may assess an erroneous late disclosure fee because it is unable to take into account the date the registered representative learned of the judgment or lien.[6] In such circumstances, the late disclosure fee may be unwarranted or the amount of the fee may be incorrect because the CRD system assessed the late disclosure fee based on the date the judgment or lien was filed rather than when the registered representative learned of it.

To help limit the instances of erroneous late disclosure fees being assessed by the CRD system, in August 2012, FINRA implemented new procedures for the reporting of unsatisfied judgments and liens.[7] The new procedures instruct firms to provide the date the registered representative learned of the judgment or lien, if such date is different from the date the judgment or lien was filed, in a free-text section at the end of the DRP.[8] If a firm reports a date in this section of the DRP, FINRA staff reviews the date provided to determine whether

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* FINRA By-Laws, Article V, Section 2(c), which states that every application for registration filed with the Corporation shall be kept current at all times by supplementary amendments via electronic process or such other process as the Corporation may prescribe to the original application. Such amendment to the application shall be filed with the Corporation not later than 30 days after learning of the facts or circumstances giving rise to the amendment.

[5] *See* Section 4 of the Form U4 Judgment/Lien DRP.

[6] FINRA will assess a late disclosure fee when a firm fails to report a disclosure event in a timely manner. The amount of the fee is based upon the number of days the disclosure is late. *See* Section 4(h) of Schedule A to the FINRA By-Laws.

[7] *See Information Notice,* August 17, 2012.

[8] *See* Section 8 of the Judgment/Lien DRP.

a late disclosure fee should be assessed and, if so, the amount of the fee.[9]

To provide additional clarity with respect to the reporting of events involving unsatisfied judgments and liens, the proposed rule change would amend Section 4 of the Judgment/Lien DRP to add a question regarding the date that the registered representative learned of the judgment or lien. The current question regarding the date the judgment or lien was filed will remain in Section 4 of the DRP.[10] By amending the Judgment/Lien DRP in this manner, all member firms will be aware of the need to report both the date the judgment or lien was filed with a court and the date the registered representative learned of the matter. In addition, the proposed rule change would allow FINRA to once again automate the process for the calculation and assessment of the late disclosure fee with respect to the reporting of unsatisfied judgments and liens.[11]

FINRA has filed the proposed rule change for immediate effectiveness. FINRA will announce the implementation date of the proposed rule change in a *Regulatory Notice* to be published no later than 90 days following Commission notice of the filing of the proposed rule change for immediate effectiveness. FINRA is proposing that the implementation date of the proposed rule change be the date of the software release to the CRD system in the fourth quarter of 2013.

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, by adding a question to the Judgment/Lien DRP to elicit the date that a registered representative learned of a judgment or lien, the proposed rule change will clarify and facilitate industry reporting requirements and thereby help to ensure that member firms report information about unsatisfied judgments and liens accurately and completely. FINRA also believes that the proposed rule change will limit the instances of the assessment of an erroneous late disclosure fee by allowing FINRA to automate the process by which such a fee is calculated and assessed.

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. The proposed rule change to the Form U4 Judgment/Lien DRP will clarify and facilitate the accurate and complete reporting of information about unsatisfied judgments and liens by member firms. Furthermore, by specifically eliciting information about the date a registered representative learned of an unsatisfied judgment or lien, the proposed rule change will significantly limit, if not eliminate, the instances in which a member firm is assessed an erroneous late disclosure fee in connection with the reporting of such an event. This, in turn, will reduce the need for firms to contact FINRA for a refund of a late disclosure fee.[13]

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 and Rule 19b–4(f)(6) 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 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–2013–034 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.

All submissions should refer to File Number SR–FINRA–2013–034. 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–

[9] In conjunction with the implementation of the new procedures for the reporting of judgments and liens, the CRD system was modified to no longer automatically assess a late fee upon the reporting of these matters.

[10] FINRA, however, is proposing to clarify that this question pertains to the date that the judgment or lien was filed with a court.

[11] As noted above, in August 2012, FINRA suspended the automated process for calculating and assessing the late disclosure fee with respect to the reporting of unsatisfied judgments and liens, and instituted a temporary manual process. The proposed change would allow FINRA to reinstitute the automated process.

[12] 15 U.S.C. 78*o*–3(b)(6).

[13] Information about the late disclosure fee, including the procedure for requesting a refund, is available on FINRA's Web site at *http://www.finra.org/industry/compliance/registration/crd/usersupport/p005225.*

2013–034 and should be submitted on or before September 13, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20569 Filed 8–22–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70231; File No. SR–EDGA–2013–25]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Eliminate EDGA Rule 13.4

August 19, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 7, 2013, EDGA Exchange, Inc. (''Exchange'' or ''EDGA'') 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 self-regulatory organization. EDGA filed the proposal pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(6)[4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization,'' which permits the Exchange to establish a signature guarantee program. All of the changes described herein are applicable to Members.[5] The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com*, at the Exchange's principal office, and at the Public Reference Room of the Commission.

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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization,'' which permits the Exchange to establish a signature guarantee program. In sum, a signature guarantee program allows an investor who seeks to transfer or sell securities held in physical certificate form to have their signature on the certificate ''guaranteed.'' Rule 13.4 permits Members to guarantee their signatures by authorizing one or more of their employees to assign registered securities in the Member's name and to guarantee assignments of registered securities on behalf of the Member where the security had been signed by one of the partners of the Member or by one of the authorized officers of the Member by executing and filing with the Exchange a separate Power of Attorney, also known as a traditional signature card program. Transfer agents often insist that a signature be guaranteed before they accept the transaction because it limits their liability and losses if a signature turns out to be forged.

Rule 17Ad–15 under the Act permits transfer agents to reject signature guarantees from eligible guarantor institutions that are not part of a signature guarantee program.[6] The rule encouraged a movement away from the traditional signature card programs administered by the exchanges towards signature guarantee programs that use a medallion imprint or stamp which evidences their participation in the program and is an acceptable signature guarantee (''Medallion Signature Guarantee Program'').[7] The Commission has also noted that:

> [a]n investor can obtain a signature guarantee from a financial institution—such as a commercial bank, savings bank, credit union, or broker dealer—that participates in one of the Medallion signature guarantee programs. . . . If a financial institution is not a member of a recognized Medallion Signature Guarantee Program, it would not be able to provide signature guarantees. Also, if [an investor is] not a customer of a participating financial institution, it is likely the financial institution will not guarantee [the investor's] signature. Therefore, the best source of a Medallion Guarantee would be a bank, savings and loan association, brokerage firm, or credit union with which [the investor does] business.[8]

In response to Rule 17Ad–15, certain exchanges have decommissioned or amended their rules to no longer provide for traditional signature card program.[9] While the Exchange adopted Rule 13.4 as part of its Form 1 exchange application,[10] it has never offered, and does not now intend to offer, a signature

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] A Member is any registered broker or dealer, or any person associated with a registered broker or dealer that has been admitted to membership in the Exchange.

[6] *See* 17 CFR 240.17Ad-15; Securities Exchange Act Release No. 30146 (January 10, 1992), 57 FR 1082 (February 24, 1992) (adopting Rule 17Ad–15).

[7] *See, e.g.,* Securities Exchange Act Release No. 33669 (February 23, 1994), 59 FR 10189 (March 3, 1994) (SR–MSTC–93–13) (''[t]his newly adopted Rule 17Ad–15 rule rendered [Midwest Securities Trust Company's (''MSTC'')] Signature Distribution Program and Signature Guarantee Program obsolete. Therefore, to avoid costs that produce no benefits, MSTC eliminated its Signature Distribution and Signature Guarantee Programs and deleted MSTC Rule 5, Sections 1 and 2 which govern these programs'').

[8] *See* ''Signature Guarantees: Preventing the Unauthorized Transfer of Securities,'' *http://www.sec.gov/answers/sigguar.htm* (last modified May 20, 2009).

[9] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15) (noting that ''[b]y eliminating its signature guarantee program, PHLX will streamline the signature guarantee process. In place of the cumbersome signature card system, PHLX will require participation in a Rule 17Ad–15 Signature Guarantee Program''). In 2006, the Philadelphia Stock Exchange, Inc. (currently Nasdaq OMX PHLX LLC) (''PHLX'') eliminated Rules 327—340 regarding signature guarantees in their entirety from its rulebook, noting that they are ''being deleted as obsolete because they refer to the delivery and settlement of securities, which is not done by the Exchange, but by registered clearing agencies.'' Securities Exchange Act Release No. 54329 (August 17, 2006), 71 FR 504538 (August 25, 2006) (SR–PHLX–2006–43); Securities Exchange Act Release No. 54538 (September 28, 2006), 71 FR 59184 (October 6, 2006 (order approving SR–PHLX–2006–43).

[10] *See* Securities Exchange Act Release No. 60651 (September 11, 2009), 74 FR 47827 (September 17, 2009) (File Nos. 10.193 and 10–194) (Notice of Filing of Exchange Applications for EDGA and EDGX Exchange, Inc. (''EDGX'')); Securities Exchange Act Release No. 61698 (March 12, 2010), 75 FR 13151 (March 18, 2010) (File Nos. 10–193 and 10–194) (Order Approving Exchange Applications for EDGA and EDGX).

guarantee service. The move towards Medallion Signature Guarantee Programs has also rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange proposes to eliminate Rule 13.4.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [11] and furthers the objectives of Section 6(b)(5) of the Act,[12] in that it is designed promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest by eliminating unnecessary confusion with respect to the Exchange's rules. Rule 17Ad-15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. In response, certain exchanges have decommissioned or amended their rules to no longer provide for a traditional signature card program.[13] The Exchange has never offered, and does not now intend to offer, a signature guarantee service. Also, the move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange believes eliminating Rule 13.4 would clarify the Exchange's rules by eliminating rules that account for services the Exchange does not provide. The Exchange also believes the elimination of unnecessary and obsolete rules removes impediments to the perfection of the mechanisms for a free and open market system consistent with the requirements of Section 6(b)(5) of the Act.[14]

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition. Rule 17Ad–15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. In response, certain exchanges have decommissioned or amended their rules to no longer provide for a traditional signature card program.[15] An investor may still obtain a signature guarantee from a financial institution that participates in one of the Medallion Signature Guarantee Programs. The Exchange has never offered, and does not intend to offer, a signature guarantee service. Also, the move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange believes eliminating Rule 13.4 would not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A) [16] of the Act and Rule 19b–4(f)(6) [17] thereunder. The proposed rule change effects a change that (A) Does not significantly affect the protection of investors or the public interest; (B) does not impose any significant burden on competition; and (C) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

The Exchange provided the Commission with 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 (5) business days prior to the date of filing.[18]

The Exchange believes that the proposed rule change meets the criteria of subparagraph (f)(6) of Rule 19b–4 [19] because it would clarify the Exchange's rules by eliminating rules that account for services the Exchange does not provide. The Exchange has never offered, and does not intend to offer, a signature guarantee service. Rule 17Ad–15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. This move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Today, an investor can obtain a signature guarantee from a financial institution that participates in one of the Medallion Signature Guarantee Programs. Therefore, the Exchange believes eliminating Rule 13.4 is non-controversial because it would clarify the Exchange's rules by eliminating rules that account for services the Exchange does not provide. Accordingly, the Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act [20] and paragraph (f)(6) of Rule 19b-4 thereunder.[21]

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–EDGA–2013–25 on the subject line.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (SR–PHLX–92–39) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad-15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (SR–PHLX–92–39) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] 17 CFR 240.19b–4(f)(6).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6).

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–EDGA–2013–25. 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–EDGA–2013–25 and should be submitted on or before September 13, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20613 Filed 8–22–13; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70232; File No. SR–FICC–2013–08]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change in Connection With the Notification of Settlement Process Used by the Mortgage-Backed Securities Division (''MBSD'')

August 19, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on August 9, 2013, the Fixed Income Clearing Corporation (''FICC'') 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 FICC. 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 purpose of this rule filing is to change the grace period and the processing fee for late reconciliations in connection with the notification of settlement (''NOS'') process.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC 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. FICC 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 of the Proposed Rule Change

The purpose of this rule filing is to change the grace period and the processing fee for late reconciliations in connection with the notification of settlement (''NOS'') process.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

MBSD processes settlement-balance order (''SBO'') destined to-be announced (''TBA'') transactions, trade-for-trade (''TFTD'') TBA transactions, TBA option transactions and Specified Pool Trades (''SPTs''). MBSD's processing of these eligible transactions consists of the trade matching, TBA netting, electronic pool notification allocation, pool comparison, pool netting, settlement versus FICC (in its capacity as central counterparty) or the original settlement counterparty, as applicable, and NOS for those trades that settle outside of FICC.

SPTs and Option trades[3] are only eligible for trade matching and risk management services. With respect to SPTs and other trades that settle outside of FICC[4], members must settle such obligations and report such settlement by submitting a NOS to FICC.

Currently, the NOS process requires MBSD members to submit such notification on the clearance day.[5] The reconciliation of uncompared NOS submission must be done within two (2) days of the uncompared NOS submission. Reconciliation occurs when any of the following actions occur: (a) the counterparty submits corresponding NOS to match the initiator's submission, (b) the counterparty submits a DK[6] notice to the initiator's submission or (c) the initiator deletes its previously submitted NOS that remains uncompared. Currently, if the initiator or the contraside, as applicable, elects any of these actions beyond the two (2) day grace period, such member will be subject to a late fee in the amount of $25.00 per day.

A successful bilateral comparison of NOS by the respective contrasides ensures that the positions on a member's Open Commitment Report[7]

[3] With respect to option trades, members are required to submit bilateral trade cancellation instructions to RTTM®, even after the underlying options have expired. Failure to receive such instructions from either party to an Option trade will, therefore, result in both counterparties being subject to mark and margin requirements based on non-existing positions.

[4] Other trades that settle outside of MBSD include (1) transactions for which clearing members chose not to submit allocation information into pool netting and (2) certain transactions with an incomplete master file on a pool record or number.

[5] With respect to NOS, the clearance day is the day that the seller delivers the pools to the buyer. The clearance day is generally on or after the contractual settlement day.

[6] Pursuant to the MBSD Rules, ''DK'' means a statement submitted to the Corporation by a member that the member ''does not know'' (i.e., denies the existence of) a Transaction reported to the member by the Corporation. *See* Clearing Rules, *Mortgage-Backed Securities Division, Definitions.*

[7] Pursuant to the MBSD Rules, ''Open Commitment Report'' is defined as the report furnished by FICC to Members reflecting Members'

are accurate and up-to-date. Timely submission and matching of NOS to FICC is crucial in order to minimize the risk that MBSD over or under margins members as a result of calculating Clearing Fund requirements and mark-to-market values that are based on positions which—unbeknownst to FICC—have actually settled between members. As a result, it is important that members submit the NOS as soon as possible after settlement, and it is equally important that members monitor their counterparties' NOS submissions. In case of a member's insolvency, the timely submission and processing of NOS is also important, given that FICC must quickly and accurately determine which positions are true fails—and therefore need to be liquidated. In an effort to encourage members to submit NOS timely and address uncompared NOS quickly, FICC is proposing to (1) change the late fee from $25.00 per day to $150.00 per day and (2) reduce the grace period from two (2) days to one (1) day.

The proposed change with respect to the late fee is attached as Exhibit 5. The proposed change with respect to the grace period does not require revisions to the Clearing Rules because the grace period is not referenced in the rules.

(2) Statutory Basis for the Proposed Rule Change

FICC believes the proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934, as amended (the ''Act''), and the rules and regulations thereunder because (1) it facilitates the prompt and accurate clearance and settlement of securities and (2) assures the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible by encouraging members to comply with a necessary risk management tool that facilitates FICC's receipt of accurate and timely settlement information.

B. Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any negative impact, or impose any burden, on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule changes have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

D. Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

(a) Not applicable.
(b) Not applicable.
(c) Not applicable.
(d) Not applicable.
(e) Not applicable.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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-comment@sec.gov.* Please include File Number SR–FICC–2013–08 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–FICC- 2013–08. 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 of submission. 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 Section located at 100 F Street, NE., Washington DC 20549–1090 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 FICC and on FICC's Web site at *http://www.dtcc.com/downloads/legal/rule_filings/2013/ficc/SR_FICC_2013_08.pdf.* 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–FICC–2013–08 and should be submitted on or before September 13, 2013.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–20611 Filed 8–22–13; 8:45 am]

BILLING CODE 8011–01–P

open commitments in the Clearing System. *See* Clearing Rules, *Mortgage-Backed Securities Division, Definitions.*

[8] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13717]

New Mexico Disaster #NM–00033 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of New Mexico, dated 08/13/2013.

Incident: Tres Lagunas Fire.

Incident Period: 05/30/2013 through 07/31/2013.

Effective Date: 08/13/2013.

EIDL Loan Application Deadline Date: 05/13/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: San Miguel.

Contiguous Counties: New Mexico: Guadalupe; Harding; Mora; Quay; Santa Fe; Torrance.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.875

The number assigned to this disaster for economic injury is 137170.

The State which received an EIDL Declaration # is New Mexico.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: August 13, 2013.

Karen G. Mills,

Administrator.

[FR Doc. 2013–20554 Filed 8–22–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13722 and #13723]

Pennsylvania Disaster #PA–00063

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Pennsylvania dated 08/14/2013.

Incident: Severe Storms and Flooding.

Incident Period: 06/26/2013 through 07/21/2013.

Effective Date: 08/14/2013.

Physical Loan Application Deadline Date: 10/14/2013.

Economic Injury (EIDL) Loan Application Deadline Date: 05/14/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Lawrence.

Contiguous Counties: Pennsylvania: Beaver; Butler; Mercer.

Ohio: Columbiana; Mahoning.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	3.750
Homeowners without credit available elsewhere	1.875
Businesses with credit available elsewhere	6.000
Businesses without credit available elsewhere	4.000
Non-profit organizations with credit available elsewhere	2.875
Non-profit organizations without credit available elsewhere	2.875
For Economic Injury:	
Businesses & small agricultural cooperatives without credit available elsewhere	4.000
Non-profit organizations without credit available elsewhere	2.875

The number assigned to this disaster for physical damage is 137226 and for economic injury is 137230.

The States which received an EIDL Declaration # are Pennsylvania; Ohio.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated:August 14, 2013.

Karen G. Mills,

Administrator.

[FR Doc. 2013–20552 Filed 8–22–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13718 and # 13719]

Colorado Disaster # CO–00054

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Colorado dated 08/14/2013.

Incident: Black Forest Fire.

Incident Period: 06/11/2013 through 06/21/2013.

Effective Date: 08/14/2013.

Physical Loan Application Deadline Date: 10/14/2013.

Economic Injury (EIDL) Loan Application Deadline Date: 05/14/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: El Paso.

Contiguous Counties: Colorado:

Crowley; Douglas; Elbert; Fremont; Lincoln; Pueblo; Teller.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	3.750
Homeowners without credit available elsewhere	1.875
Businesses with credit available elsewhere	6.000
Businesses without credit available elsewhere	4.000
Non-profit organizations with credit available elsewhere	2.875
Non-profit organizations without credit available elsewhere	2.875
For Economic Injury:	
Businesses & small agricultural cooperatives without credit available elsewhere	4.000
Non-profit organizations without credit available elsewhere	2.875

The number assigned to this disaster for physical damage is 13718 5 and for economic injury is 13719 0.

The State which received an EIDL Declaration # is Colorado.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: August 14, 2013.

Karen G. Mills,

Administrator.

[FR Doc. 2013–20553 Filed 8–22–13; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8435]

Culturally Significant Objects Imported for Exhibition Determinations: ''Koloman Moser''

ACTION: Notice, correction.

SUMMARY: On May 2, 2013, notice was published on page 25780 of the **Federal Register** (volume 78, number 85) of determinations made by the Department of State pertaining to the exhibition ''Koloman Moser.'' The referenced notice is corrected here to include additional objects as part of the exhibition. Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the additional objects to be included in the exhibition ''Koloman Moser,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the additional exhibit objects at the Museum of Fine Arts, Houston, TX, from on or about September 25, 2013, until on or about January 12, 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 additional exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: August 15, 2013.

Lee Satterfield,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–20653 Filed 8–22–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8434]

Culturally Significant Object Imported for Exhibition; Determinations: ''Visiting Masterpiece: Piero della Francesca's Senigallia Madonna, an Italian Treasure, Stolen and Recovered'' and ''Piero della Francesca: Intimate Encounters''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the object to be included in the exhibition ''Visiting Masterpiece: Piero della Francesca's Senigallia Madonna, An Italian Treasure, Stolen and Recovered'' at the Museum of Fine Arts and the exhibition ''Piero della Francesca: Intimate Encounters'' at The Metropolitan Museum of Art, imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Museum of Fine Arts, Boston, MA, from on or about September 13, 2013, until on or about January 6, 2014; the Metropolitan Museum of Art, New York, NY, from on or about January 13, 2014, until on or about March 30, 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 object, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: August 15, 2013.

Lee Satterfield,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–20656 Filed 8–22–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8436]

U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Arbitration; Correction

AGENCY: Department of State.

ACTION: Notice; correction.

SUMMARY: The Department of State published a document in the **Federal Register** on August 19, 2013 concerning a U.S. Department of State Advisory Committee on Private International Law (ACPIL) Public Meeting on Arbitration, to take place on September 4, 2013. The document cited incorrect Web site addresses and an incorrect email address.

FOR FURTHER INFORMATION CONTACT: Tricia Smeltzer, phone: (202) 776 8423

Correction

In the **Federal Register** of August 19, 2013, in FR Volume 78, page 50480, in the third paragraph of the second column, the Web site address given should read: *http://www.uncitral.org/uncitral/en/commission/working_groups/2Arbitration.html.* In the first paragraph of the third column, the email address that individuals should write to for pre-clearance purposes should read: *pil@state.gov.* In the second paragraph of the third column, the Web site address given for the Security Records System of Records Notice should read: *http://www.state.gov/documents/organization/103419.pdf.*

Dated: August 19, 2013.

Michael S. Coffee,

Acting Assistant Legal Adviser, Private International Law, Officer of the Legal Adviser.

[FR Doc. 2013–20652 Filed 8–22–13; 8:45 am]

BILLING CODE 4710–08–P

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on September 19, 2013, in Binghamton, New York. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

DATES: September 19, 2013, at 9:00 a.m.

ADDRESSES: Binghamton State Office Building, Warren Anderson Community Room (18th Floor), 44 Hawley Street, Binghamton, NY 13901.

FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 1306; fax: (717) 238–2436.

Opportunity To Appear and Comment

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of Conduct, which are posted on the Commission's Web site, *www.srbc.net.* As identified in the public hearing notice referenced below, written comments on the project applications that were the subject of the public hearing, and are listed for action at the business meeting, are subject to a comment deadline of August 26, 2013. Written comments pertaining to any other matters listed for action at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Any such comments mailed or electronically submitted must be received by the Commission on or before September 13, 2013, to be considered.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Recognition of retiring Executive Director Paul Swartz; (2) oath of office for incoming Executive Director Andrew Dehoff; (3) presentation on the Whitney Point Adaptive Management Plan; (4) delegation of regulatory authority to the executive director; (5) ratification/approval of contracts and grants; and (6) project applications.

The project applications listed for Commission action are those that were the subject of a public hearing conducted by the Commission on August 15, 2013, and identified in the notice for such hearing, which was published in 78 FR 43961, July 22, 2013. Please note that the following additional project has been scheduled for rescission action:

- Project Sponsor and Facility: Clark Trucking, LLC (Muncy Creek), Muncy Creek Township, Lycoming County, Pa. (Docket No. 20111208).

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: August 16, 2013.

Paul O. Swartz,

Executive Director.

[FR Doc. 2013–20586 Filed 8–22–13; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice To Rescind a Notice of Intent and Draft Environmental Impact Statement: I–17 Corridor Improvement Study; Maricopa County, Arizona

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice to Rescind a Notice of Intent and Draft Environmental Impact Statement.

SUMMARY: The FHWA is issuing this notice to advise the public that we are rescinding the Notice of Intent (NOI) and Draft Environmental Impact Statement (EIS) for proposed freeway improvements along Interstate 17 (I–17) from the I–10/Maricopa Traffic Interchange to State Route (SR) 101L (Loop 101) within Maricopa County, Arizona. A NOI to prepare an EIS for the I–17 Corridor Improvement Study was published in the **Federal Register** on January 6, 2010.

FOR FURTHER INFORMATION CONTACT: Alan Hansen, Team Leader—Planning, Environment & Realty, Federal Highway Administration, 4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012–3500, Telephone: (602) 382–8964, Email: *alan.hansen@dot.gov.*

SUPPLEMENTARY INFORMATION: On January 6, 2010, the FHWA, in cooperation with the Arizona Department of Transportation (ADOT), issued an NOI to prepare an EIS for proposed freeway improvements along I–17 from the I–10/Maricopa Traffic Interchange to SR 101L in Maricopa County, Arizona. The I–17 Corridor is located in the city of Phoenix, and the study area limits for the EIS consisted of approximately 21 miles of I–17.

A No-Build Alternative and Build Alternatives were being considered in the EIS for the Design Year 2035. The No-Build Alternative served as the baseline for the analysis conducted under the National Environmental Policy Act (NEPA). The proposed Build Alternatives involved the addition of a number of new travel lanes and a high occupancy vehicle lane in each direction along I–17.

The proposed widening of I–17 is included in the Regional Transportation Plan (RTP) and Transportation Improvement Plan (TIP) adopted by the Maricopa Association of Governments (MAG) Regional Council. However, MAG is considering modifications to some of the transportation improvements that are presently programmed in the RTP and TIP, including the I–17 widening. Therefore, the preparation of the EIS for the I–17 Corridor Improvement Study is being terminated. Any future transportation improvements in the I–17 Corridor will be determined through funding and project reprioritization by MAG. Any future actions will progress under a separate environmental review process, in accordance with all applicable laws and regulations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on August 19, 2013.

Karla S. Petty,

FHWA Division Administrator, Phoenix, AZ.

[FR Doc. 2013–20589 Filed 8–22–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0029]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 69 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective August 23, 2013. The exemptions expire on August 23, 2015.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgement that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

Background

On June 6, 2013, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (78 FR 34143). That notice listed 69 applicants' case histories. The 69 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 69 applications on their merits and made a determination to grant exemptions to each of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing requirement red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 69 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, retinal detachment, phthisis bulbi, retinal stapholoma, complete loss of vision, refractive amblyopia, optic nerve atrophy, exotropia, macular hemorrhage, prosthetic eye, keratitis, traumatic globe rupture, chronic open angle glaucoma, anisometropic amblyopia, macular retinal scar, scarring, ocular histoplasmosis, toxoplasmosis, psuedophakia with nystagmus, hypoplastic optic nerve, esotropia, retinal tear, angle recession glaucoma, central serous retinopathy, macular hole, anterior ischemic optic neuropathy, corneal scar, macular scar, and retinal scarring. In most cases, their eye conditions were not recently developed. Forty-eight of the applicants were either born with their vision impairments or have had them since childhood.

The twenty-one individuals that sustained their vision conditions as adults have had it for a period of 1 to 32 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 69 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 2 to 50 years. In the past 3 years, three of the drivers were involved in crashes and six were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the June 6, 2013 notice (78 FR 34143).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers

demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 69 applicants, three of the drivers were involved in crashes and six were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 69 applicants listed in the notice of June 6, 2013 (78 FR 34143).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 69 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received one comment in this proceeding. The comment is considered and discussed below.

The Pennsylvania Department of Transportation is in favor of granting exemptions to Dennis Edler, Ronald Howard, and Desmond Waldor after reviewing their driving histories.

Conclusion

Based upon its evaluation of the 69 exemption applications, FMCSA exempts Roger Bell (IL), Kolby Blackner (UT), Mark Bouchard (IL), Michael Britt (MD), Daryl Carpenter (MD), Michael Cassella (NJ), Daniel G. Cohen (VT), Twila Cole (OR), Brian Cordell (TX), Aubrey R. Cordrey, Jr. (DE), Jimmie Crenshaw (AL), Thomas W. Crouch (IN), Alan E. Cutright (MD), Jon K. Dale (UT), Bert A. Damm (MT), Jeffrey Dauterman (OH), Brian Dowd (MA), Verlin L. Driskell (NE), Sonya Duff (IN), Dennis C. Edler (PA), Randy L. Fales (MN), Heidi S. Feldhaus (SD), Robert Fox (NY), Steve Garrett (CA), Keith M. Gehrman (WI), Scott Gilroy (OH), Elbert D. Grant (NM), Henry M. Greer (KY), Michael L. Grogg (VA), Marc C. Grooms (MO), Luc Guimond (WA), Walter A. Hanselman (IN), Richard D. Holcomb (MN), Brian C. Holt (ME), Ronald E. Howard (PA), Berl C. Jennings (VA), Michael Kelly (TX), Aaron D. Kerr (ME), Craig Mahaffey (OH), Stanley Marshall (GA), Michael Martin (OH), Michael McGee (CA), Ignar L. Meyer (WA), James W. Mize, Sr. (TN), Roy L. Morgan (IL), Rick Nickell (OH), Richard E. Perry (CA), Freddy H. Pete (NV), Ricky Reeder (TN), Louis A. Requena (NY), Berry A. Rodrigue, Jr. (LA), Stephen R. Sargent (ME), Leonard Sheehan (WI), Michael L. Sherum (AL), Manjinder Singh (WA), Wayne Stein (FL), Eddie B. Strange, Jr. (GA), Michael J. Thane (OH), Larry A. Tidwell (MO), Dale Torkelson (WI), Norman Vanderzyl (IA), John Vanek (MO), James D. Vorderbruggen (MN), Desmond Waldor (PA), Alicia Waters (IL), Norman R. Wilson (WA), James G. Witt (AZ), James L. Young (VA), and Sam D. Zachary (NC) from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 19, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–20590 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Announcing the Twenty First Public Meeting of the Crash Injury Research and Engineering Network (CIREN)

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting announcement.

SUMMARY: This notice announces the Twenty First Public Meeting of members of the Crash Injury Research and Engineering Network. CIREN is a collaborative effort to conduct research on crashes and injuries at six Level I Trauma Centers across the United States linked by a computer network. The current CIREN model utilizes two types of centers, medical and engineering. Medical centers are based at Level I Trauma Centers that admit large numbers of people injured in motor vehicle crashes. These teams are led by trauma surgeons and emergency physicians and also include a crash investigator and project coordinator. Engineering centers are based at academic engineering laboratories that have experience in motor vehicle crash and human injury research. Engineering teams partner with trauma centers to enroll crash victims into the CIREN program. Engineering teams are led by mechanical engineers, typically trained in the area of impact biomechanics. Engineering teams also include trauma/emergency physicians, a crash investigator, and a project coordinator. Either type of team typically includes additional physicians and/or engineers, epidemiologists, nurses, and other researchers.The CIREN process combines prospective data collection with professional multidisciplinary analysis of medical and engineering evidence to determine injury causation in every crash investigation conducted. Researchers can review data and share expertise, which may lead to a better understanding of crash injury mechanisms and the design of safer vehicles.The six centers will give presentations on current research based on CIREN data. Topics include: Understanding Brain Injury Mechanisms: Integrating Real World Lesions, Anthropomorphic Test Device Response, and Finite Element Modeling; Evaluating the Benefits for Advanced Automatic Crash Notification; Vehicle Seat Bottom Influence on Spine Loads in Frontal Impacts; Rib Fractures in Older Occupants; Changes Over Time in Injury and Crash Characteristics; and Determination of Seat Belt Use and Positioning with Three-Dimensional CT Scans.

The final agenda will be posted to the CIREN Web site that can be accessed by going to *http://www.nhtsa.dot.gov/ciren.* The agenda will be posted one week prior to the meeting.

Date and Time: The meeting is scheduled from 9:00 a.m. to 4:00 p.m. on Wednesday, September 4, 2013.

ADDRESSES: The meeting will be held at: U.S. Department of Transportation Headquarters, Oklahoma Room, 1200 New Jersey Avenue SE, Washington, DC 20590.

To Register For This Event: It is essential that you pre-register to expedite the security process for entry to the meeting facility. Please send your name, affiliation, phone number, and email address to *Rodney.Rudd@dot.gov* by Wednesday, August 28, 2013, in order to have your name added to the pre-registration list. Everyone must have a government-issued photo identification to be admitted to the facility.

For General Information: Rodney Rudd (202) 366–5932, Mark Scarboro (202) 366–5078 or Cathy McCullough (202) 366–4734.

SUPPLEMENTARY INFORMATION: NHTSA has held CIREN public meetings on a regular basis since 2000, including quarterly meetings and annual conferences. This is the Twenty First such meeting. Presentations from these meetings are available through the NHTSA Web site. NHTSA plans to continue holding CIREN meetings on a regular basis to disseminate CIREN information to interested parties. Individual CIREN cases collected since 1998 may be viewed from the NHTSA/CIREN Web site at the address provided above. Should it be necessary to cancel the meeting due to inclement weather or to any other emergencies, a decision to cancel will be made as soon as possible and posted immediately on CIREN's Web site as indicated above. If you do not have access to the Web site, you may call or email the contacts listed in this announcement and leave your telephone number or email address. You will be contacted only if the meeting is postponed or canceled.

Issued on: August 16, 2013.

Nathaniel Beuse,

Associate Administrator for Vehicle Safety Research.

[FR Doc. 2013–20394 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35754]

RSL Railroad, LLC—Lease and Operation Exemption—Line of Norfolk Southern Railway Company

RSL Railroad, LLC (RSL), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from Norfolk Southern Railway Company (NSR), and to operate, an approximately 1.40-mile rail line, known as the South Massillon IT, between mileposts MT 0.00 and MT 1.40 in Massillon, Ohio.

RSL states that it currently provides service over a 1.27-mile segment of track owned by the Massillon Energy & Technology Park in Massillon, and by this transaction will extend its operations by 1.40 additional miles, reaching a new connection and interchange point with NSR at milepost MT 0.00.

The transaction may be consummated on or after September 7, 2013, the effective date of the exemption (30 days after the exemption was filed).

RSL certifies that its projected annual revenues as a result of this transaction will not exceed $5 million or result in the creation of a Class II or Class I rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than August 30, 2013 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 35754, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on John D. Heffner, Strasburger & Price, LLP, 1700 K St. NW., Suite 640, Washington, DC 20006.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: August 16, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–20633 Filed 8–22–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 519 (Sub-No. 4)]

Notice of National Grain Car Council Meeting

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of National Grain Car Council meeting.

SUMMARY: Notice is hereby given of a meeting of the National Grain Car Council (NGCC), pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2 10(a)(2).

DATES: The meeting will be held on Thursday, September 12, 2013, beginning at 1:00 p.m. (CDT), and is expected to conclude at 5:00 p.m. (CDT).

ADDRESSES: The meeting will be held at the Westin Crown Center, 1 East Pershing Road, Kansas City, MO 64108. Phone (816) 474–4400 Fax (816) 391–4438.

FOR FURTHER INFORMATION CONTACT: Fred Forstall at (202) 245–0241. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339].

SUPPLEMENTARY INFORMATION: The NGCC was established by the Interstate Commerce Commission (ICC), the Board's predecessor, as a working group to facilitate private-sector solutions and recommendations to the ICC (and now the Board) on matters affecting rail grain car availability and transportation. *Nat'l Grain Car Supply—Conference of Interested Parties,* EP 519 (ICC served Jan. 7, 1994).

The general purpose of this meeting is to discuss rail carrier preparedness to transport the 2013 fall grain harvest. Agenda items include the following: remarks by Board Chairman Daniel R. Elliott III, Vice Chairman Ann D. Begeman (who serves as Co-Chairman for the NGCC), and Commissioner Francis P. Mulvey; reports by rail carriers and shippers on grain-service related issues; reports by rail car manufacturers and lessors on current and future availability of various grain-car types of rail cars; a presentation and discussion regarding ''Expanding Rail Infrastructure to Accommodate Growth in Agriculture and Other Sectors'' by the Soy Transportation Coalition; a presentation and discussion of ''Rail Time Indicators'' by the Association of American Railroads; and an open forum for audience and members to discuss topics of interest regarding the coming new crop year. The full agenda along with other information regarding the National Grain Car Council is posted on the Board's Web site at *http://www.stb.dot.gov/stb/rail/graincar_council.html.*

The meeting, which is open to the public, will be conducted in accordance with the Federal Advisory Committee Act, 5 U.S.C. app. 2; Federal Advisory Committee Management, 41 CFR pt. 102–3; the NGCC Charter; and Board procedures. Any further communications about this meeting will be announced through the Board's Web site.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: August 20, 2013.

By the Board, Richard Armstrong, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–20623 Filed 8–22–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0752]

Agency Information Collection (uSPEQ Consumer Survey Experience (Rehabilitation)) Under OMB Review

AGENCY: Veterans Health Administration, VA.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 23, 2013.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov;* or to Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0752'' in any correspondence.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION 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. 2900–0752''.

SUPPLEMENTARY INFORMATION:

Title: uSPEQ Consumer Survey Experience (Rehabilitation), VA Form 10–0467.

OMB Control Number: 2900–0752.

Type of Review: Extension of a currently approved collection.

Abstract: uSPEQ (pronounced *you speak*) survey will be used to gather input from veterans regarding their satisfaction with VA's rehabilitation programs. VA will use the data collected to continue quality improvement, informed programmatic development, and to identify rehabilitation program strengths and weaknesses.

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 25, 2013 at page 24470.

Affected Public: Individuals and Households.

Estimated Annual Burden: 32,000 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 384,000.

Dated: August 19, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–20539 Filed 8–22–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 78 Friday,

No. 164 August 23, 2013

Part II

Department of Transportation

Federal Motor Carrier Safety Administration

49 CFR Parts 360, 365, 366, *et al.*
Unified Registration System; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 360, 365, 366, 368, 385, 387, 390 and 392

[Docket No. FMCSA–1997–2349]

RIN 2126–AA22

Unified Registration System

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: The FMCSA amends its regulations to require interstate motor carriers, freight forwarders, brokers, intermodal equipment providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities under FMCSA jurisdiction to submit required registration and biennial update information to the Agency via a new electronic on-line Unified Registration System (URS). FMCSA establishes fees for the registration system, discloses the cumulative information to be collected in the URS, and provides a centralized cross-reference to existing safety and commercial regulations necessary for compliance with the registration requirements. The final rule implements statutory provisions in the ICC Termination Act of 1995 (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005 (SAFETEA–LU). The URS will streamline the registration process and serve as a clearinghouse and depository of information on, and identification of, motor carriers, brokers, freight forwarders, IEPs, HMSP applicants, and cargo tank facilities required to register with FMCSA.

DATES: *Effective Dates:* The final rule is effective October 23, 2015, except for § 390.19 (amendatory instruction number 55) and § 392.9b (amendatory instruction 61), which are effective November 1, 2013, and except for § 366.2 (amendatory instruction 19), which is effective April 25, 2016.

Compliance Dates: The compliance date for this final rule is October 23, 2015, except that the compliance date for §§ 390.19 and 392.9b is November 1, 2013, and the compliance date for § 366.2 is April 25, 2016.

Petitions for reconsideration must be received by September 23, 2013.

ADDRESSES: Petitions for reconsideration must be submitted to: Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

All background documents, comments, and materials related to this rule may be viewed in docket number FMCSA–1997–2349 using either of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.*
- Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Mr. Wesley Ray, IT Specialist, IT Development Division, (202) 366–3876, or by email at *Wesley.Ray@dot.gov.* Business hours are from 8:00 a.m. to 4:30 p.m. ET, Monday through Friday, except Federal holidays.

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I. Public Participation

A. Viewing Comments and Documents

To view comments, as well as documents identified in this preamble as available in the docket, go to *http://www.regulations.gov* and click on the ''Read Comments'' box in the upper right hand side of the screen. Then, in the ''Keyword'' box, insert ''FMCSA–1997–2349'' and click ''Search.'' Next, click ''Open Docket Folder'' in the ''Actions'' column. Finally, in the ''Title'' column, click on the document you would like to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

All comments received are posted without change to *http://www.regulations.gov.* Anyone is able to search the electronic form for all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, or other organization). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

II. Acronyms and Abbreviations

ADA Americans with Disabilities Act
ANPRM Advance Notice of Proposed Rulemaking
APA Administrative Procedure Act
ATA American Trucking Associations
BASIC Behavioral Analysis Safety Improvement Category
BI&PD Bodily Injury and Property Damage
CDL Commercial Driver's License
CFR Code of Federal Regulations
CMV Commercial Motor Vehicle
CR Compliance Review
CSA Compliance Safety Accountability
CVIEW Commercial Vehicle Information Exchange Window
DBA Doing Business As
DOJ U.S. Department of Justice
eFOTM Electronic Field Operations Training Manual
EPT Example Private Trucking
FF Freight Forwarder
FMCSA Federal Motor Carrier Safety Administration
FMCSRs Federal Motor Carrier Safety Regulations
FR Federal Register
FTA Federal Transit Administration
GVWR Gross Vehicle Weight Rating
HHG Household Goods
HM Hazardous Materials
HMSP Hazardous Materials Safety Permit
ICC Interstate Commerce Commission
ICCTA ICC Termination Act of 1995
IEP Intermodal Equipment Provider
IRP International Registration Plan
IT Information Technology
LLP Limited Liability Partnership
MAP–21 Moving Ahead for Progress in the 21st Century Act
MC Motor Carrier
MCMIS Motor Carrier Management Information System
MCSA–1 Application for USDOT Registration/Operating Authority
MoDOT Missouri Department of Transportation
NADA–ATDD National Automobile Dealers Association—American Truck Dealers Division
NAFTA North American Free Trade Agreement
NIST National Institute of Standards and Technology
NPRM Notice of Proposed Rulemaking
NPTC National Private Truck Council
NSTA National School Transportation Association
NTSB National Transportation Safety Board
NTTC National Tank Truck Carriers
OOIDA Owner-Operator Independent Drivers Association
OTRB Act Over-the-Road Bus Transportation Accessibility Act of 2007
PHMSA Pipeline and Hazardous Materials Safety Administration
PU Power Unit
PRISM Performance and Registration Information Systems Management
SAFETEA–LU Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users
SBA Small Business Administration
SNPRM Supplemental Notice of Proposed Rulemaking
SSRS Single State Registration System
TIA Transportation Intermediaries Association
UCR Unified Carrier Registration
URS Unified Registration System
U.S.C. United States Code
USDOT U.S. Department of Transportation
VMT Vehicle Miles Traveled

III. Executive Summary

A. Purpose of the URS

This final rule establishes the Unified Registration System (URS) required by the ICC Termination Act of 1995 [1] (ICCTA) and the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU).[2] In the ICCTA, Congress enacted 49 U.S.C. 13908, which directed the Secretary of Transportation (Secretary) to issue regulations to replace certain existing registration and information systems with a single, online, Federal system.[3] SAFETEA–LU modified the requirements for a unified registration system contained in the ICCTA. The details of these requirements are discussed in section IV.A below (Legal Authority).

The implementation of the URS final rule will consolidate the following registration and information systems: (1) The U.S. Department of Transportation (USDOT) identification number system; (2) the 49 U.S.C. chapter 139 commercial registration system; (3) the 49 U.S.C. 13906 financial responsibility information system; and (4) the service of process agent designation system (49 U.S.C. 503 and 13304).

The URS will improve the registration process for motor carriers, property brokers, freight forwarders, IEPs, HMSP applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The URS also will increase public accessibility to data about interstate motor carriers, property brokers, freight forwarders, IEPs, HMSP applicants, and cargo tank facilities.

The Moving Ahead for Progress in the 21st Century Act (MAP–21) was enacted on July 6, 2012.[4] This legislation includes several provisions that are relevant to the implementation of the URS. However, many of these statutory provisions will require notice-and-comment rulemakings because they are not self-executing and provide discretion in establishing the details for the implementing regulations. Rather than delay issuance of this final rule, and to ensure an appropriate opportunity for public participation in the regulatory changes necessitated by MAP–21, the Agency will initiate a separate rulemaking proceeding(s) to address the necessary regulatory changes. The Agency notes that in some instances, these changes to the planned implementation of the URS program will not require rulemaking but may be addressed during the implementation phase of the URS. The enactment of MAP–21 also necessitates minor changes in the MCSA–1 Form and Instructions presented in the supplemental notice of proposed rulemaking (SNPRM). These changes do not require notice-and-comment rulemaking,[5] and FMCSA incorporates some of those changes in today's final rule.

B. Summary of Major Provisions

1. Entities Included in the URS

The URS final rule applies to every entity under FMCSA's commercial and/or safety jurisdiction, except for Mexico-domiciled motor carriers seeking authority to operate beyond the border commercial zones (Mexico-domiciled

[1] Public Law 104–88, 109 Stat. 803 (Dec. 29, 1995).

[2] Public Law 109–59, 119 Stat. 1144 (Aug. 10, 2005).

[3] The Secretary of Transportation has delegated to the Administrator of the FMCSA this authority to carry out functions relating to registration requirements. *See* 49 CFR 1.87(a)(5).

[4] Public Law 112–141, 126 Stat. 405 (July 6, 2012).

[5] Under section 553(b)(3)(B) of the Administrative Procedure Act [5 U.S.C. 553(b)(3)(B)] (APA), notice and comment rulemaking is not required when the Agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. The changes made in response to MAP–21 were limited to modifying the MCSA–1 Form and Instructions to incorporate new statutory language regarding affiliations with other regulated entities. The SNPRM had proposed different, but similar language; thus the modification was clearly within the scope of the issues that were subject to notice and comment in the SNPRM. For this reason, the agency believes that, consistent with the APA, providing further opportunity for further public comment on these limited changes is unnecessary.

long-haul carriers). SAFETEA–LU amended 49 U.S.C. 13908(b) to require the URS to ''serve as a clearinghouse and depository of information on, and identification of, all foreign and domestic motor carriers, motor private carriers, brokers, freight forwarders, and others required to register with [DOT].'' FMCSA is excluding Mexico-domiciled long-haul carriers at this time because the U.S.-Mexico border is not open to such carriers, other than the participants in the current cross-border long-haul trucking pilot program.[6] Table 1 describes in detail the different type of entities that must register under the URS established in today's final rule.

TABLE 1—ENTITIES REQUIRED TO REGISTER UNDER THE UNIFIED REGISTRATION SYSTEM

Entity	Description
1. For hire (exempt and non-exempt) or private motor carrier:	
a. For-hire motor carrier	A person engaged in the transportation of goods or passengers for compensation.
i. Exempt	A person engaged in transportation exempt from commercial regulation under 49 U.S.C. chapter 135. Exempt motor carriers that operate commercial motor vehicles as defined in 49 U.S.C. 31101 are subject to the safety regulations set forth in 49 CFR chapter III.
ii. Non-exempt	A person engaged in transportation subject to commercial regulation under 49 U.S.C. chapter 139, regardless of whether such transportation is subject to the safety regulations.
b. Private motor carrier	A person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier.
2. Broker	A person who, for compensation, arranges, or offers to arrange, the transportation of property in interstate commerce by a non-exempt for-hire motor carrier.
3. Freight forwarder	A person holding itself out to the general public (other than as an express, pipeline, rail, sleeping car, motor, or water carrier) to provide transportation of property for compensation in interstate commerce, and in the ordinary course of its business: (1) Performs or provides for assembling or consolidating of break-bulk, and distributing of shipments; (2) assumes responsibility for transportation from place of receipt to destination; and (3) uses for any part of the transportation a for-hire motor carrier subject to FMCSA commercial jurisdiction.
4. Intermodal equipment provider	A person who interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment.
5. Hazardous Materials Safety Permit applicant	A motor carrier that is approved to transport in interstate or intrastate commerce any of the hazardous materials, in the quantity indicated for each, listed under 49 CFR 385.403.
6. Cargo tank facility	A cargo tank and cargo tank motor vehicle manufacturer, assembler, repairer, inspector, tester, or design-certifying engineer that is subject to registration requirements under 49 CFR 107.502 and 49 U.S.C. 5108.

2. The Application Process

The entities covered by the URS will be required to register with FMCSA and update registration information provided on the new Form MCSA–1 periodically as required. Entities that already have a USDOT Number do not need to file the Form MCSA–1 until they need to update registration information. FMCSA is requiring that regulated entities fill out and update their registration information electronically using a web-based, online version of Form MCSA–1. The Agency believes mandatory electronic filing will result in substantial cost savings to both applicants and FMCSA. The Agency is developing the online Form MCSA–1 application process to guide the applicant to only the MCSA–1 information pertinent to its operations, and to skip any irrelevant sections. The application process will mimic the interactive, interview format of popular tax preparation software, rather than a static fillable format. Applicants will only be asked questions applicable to their specific operations.

Under the URS application process, a new applicant will be issued an inactive USDOT Number. The inactive USDOT Number will be activated by the Agency only after the Agency has determined that the applicant is willing and able to comply with applicable regulatory requirements and the applicant has satisfied applicable administrative filing requirements, such as evidence of financial responsibility, if applicable, and a process agent designation (49 CFR 390.201(c)(2)).[7] If a carrier also is seeking operating authority registration (non-exempt for-hire carriers only), the USDOT Number will remain inactive until all protests filed under 49 CFR part 365 have been resolved and the applicant has satisfied all applicable administrative filing requirements. An applicant with an inactive USDOT Number is prohibited from operating in interstate commerce by 49 CFR 392.9b.

3. Updating URS Information

This final rule requires all regulated entities to update registration information every 24 months. When there are changes to an entity's legal name, form of business, or address, registration information must be updated sooner. An entity also may update its record with FMCSA at any time within this 24-month period to

[6] *See Pilot Program on the North American Free Trade Agreement (NAFTA) Long-Haul Trucking Provisions,* 76 FR 40420 (July 8, 2011); *see also http://www.fmcsa.dot.gov/intl-programs/trucking/trucking-program.aspx* (last accessed July 31, 2012).

[7] The term ''evidence of financial responsibility'' refers to the forms filed with FMCSA by insurance companies, surety companies, or financial institutions, in accordance with 49 CFR part 387. FMCSA considers the filing of such forms to be evidence that motor carriers and freight forwarders have the necessary insurance coverage, and brokers have the necessary surety bonds or trust fund agreements, in the minimum amounts prescribed by law. Unlike insurance policies, which may cover numerous claims cumulatively exceeding the dollar limits of the policy, broker bonds or trust fund agreements may be depleted if the cumulative amounts of claims filed against the broker for non-performance of its legal obligations exceed the maximum amount of the bond or trust fund agreement. In accordance with sec. 32918(a) of MAP–21, the Agency will immediately suspend the registration of a broker or freight forwarder with a depleted or partially depleted bond.

provide changes to other information. However, such changes will not relieve an entity of complying with the biennial update requirement. Beginning on November 1, 2013 (the compliance date of the revised biennial update provision), the Agency will issue a warning letter 30 days in advance of a biennial update deadline to notify the entity that its USDOT Number will be deactivated if it fails to comply with the biennial update requirement.

This final rule also requires all entities to notify FMCSA of any changes to legal name, form of business, or address within 30 days of the precipitating change (new 49 CFR 390.201(d)(4)). This requirement will ensure the continuing relevance and viability of the USDOT Number as a unique identifier and repository for safety data associated with a particular entity. In particular, this requirement will allow FMCSA to monitor in a timely manner informational changes affecting all entities holding USDOT Numbers.

4. Identification Solely by USDOT Number

FMCSA will use the USDOT Number as its sole unique identifier for motor carriers, brokers, and freight forwarders subject to its regulations. The old registration systems administered by FMCSA used four identification numbers: The USDOT Number, which most motor carriers subject to FMCSA jurisdiction are required to obtain; the Motor Carrier (MC) Number, which was assigned to non-exempt for-hire motor carriers and brokers; the FF Number, which is assigned to freight forwarders; [8] and the MX Number, which is assigned to Mexico-domiciled carriers operating within the U.S.-Mexico international border commercial zones.[9] The URS will discontinue issuance of MC, MX, and FF Numbers to those entities who register with FMCSA. However, today's rule will not require motor carriers to remove the obsolete numbers from their vehicles, and those numbers may be used for other purposes such as advertising or marketing. But the Agency encourages carriers to omit these obsolete numbers from new or repainted vehicles.

5. User Fees

FMCSA is revising user fees for URS registration, insurance filings, and other services as detailed in Table 2 below. The Agency will charge a $300 registration fee for all entities filing new registration applications. Currently, only non-exempt for-hire motor carriers, property brokers, and freight forwarders must pay a one-time registration fee to FMCSA of $300. SAFETEA–LU provided that the fee for new applicants must as nearly as possible cover the costs of processing the registration, but shall not exceed $300. The recently enacted MAP–21, however, removed this $300 cap on the initial registration fee. FMCSA determined that the amount needed to cover the costs associated with processing the registration filings based on projections of annual new applicants and Agency processing costs substantially exceeded what could be collected through charging $300 per applicant. Consequently, the October 26, 2011 URS supplemental notice of proposed rulemaking [10] (SNPRM) proposed to charge the statutory maximum established by SAFETEA–LU for this final rule.

Although MAP–21 eliminated the $300 limit, the final rule retains the $300 fee proposed in the SNPRM because the Agency has not developed preliminary estimates on appropriate fees to cover the full costs of operating its URS program, or issued for public comment a proposal concerning such fees. The Agency has opted to initiate, at a later date, a separate rulemaking proceeding to solicit public comment on this issue, rather than delay issuance of this final rule.

FMCSA is reducing the fee currently charged for reinstating operating authority registration after such authority has been revoked from $80 to $10. The Agency is eliminating the existing $10 process agent designation filing fee in keeping with provisions in SAFETEA–LU.[11] The current $10 fee for filings related to financial responsibility remains unchanged. The fees charged under URS will enable the Agency to recoup the costs associated with processing registration applications and administrative filings to the extent permitted by law. FMCSA retains the existing fees for self-insurance pending resolution of changes in these fees in a separate rulemaking.

The Agency codifies its existing practice of waiving filing fees for Federal Transit Administration (FTA) grantees. FMCSA also exempts any agency of the Federal government or a State or local government from paying filing fees or user fees to access or retrieve URS data for its own use. Generally, the Agency will charge for clerical, administrative, and information technology (IT) services involved in locating, copying, and certifying records. However, FMCSA will exempt any registered entity from paying fees to access or retrieve its own data. Additional fees are explained in the table below:

TABLE 2—URS USER FEES AS ESTABLISHED UNDER 49 CFR 360.3(f)

Type of Proceeding		Fee
Part I: Registration		
(1)	An application for USDOT registration pursuant to 49 CFR part 390, subpart C.	$300.
(2)	An application for motor carrier temporary authority to provide emergency relief in response to a national emergency or natural disaster following an emergency declaration under § 390.23 of this subchapter.	$100.
(3)	Biennial update of registration	$0.
(4)	Request for change of name, address, or form of business	$0.
(5)	Request for cancellation of registration	$0.
(6)	Request for registration reinstatement	$10.
(7)	Designation of process agent	$0.
(8)	Notification of transfer of operating authority	$0.
Part II: Insurance		

[8] *See* 49 U.S.C. 13903.

[9] *See* 49 U.S.C. 13902(c).

[10] *Supplemental Notice of Proposed Rulemaking, Unified Registration System,* 76 FR 66506 (Oct. 26, 2011).

[11] SAFETEA–LU, § 4304, *codified at* 49 U.S.C. 13908(d)(2).

TABLE 2—URS USER FEES AS ESTABLISHED UNDER 49 CFR 360.3(f)—Continued

Type of Proceeding		Fee
(9)	A service fee for insurer, surety, or self-insurer accepted certificate of insurance, surety bond, and other instrument submitted in lieu of a broker surety bond.	$10 per accepted certificate, surety bond or other instrument submitted in lieu of a broker surety bond.
(10)	(i) An application for original qualification as self-insurer for bodily injury and property damage insurance (BI&PD).	$4,200.
	(ii) An application for original qualification as self-insurer for cargo insurance.	$420.

6. Evidence of Financial Responsibility

This final rule requires all for-hire motor carriers and private motor carriers that transport hazardous materials (HM) in interstate commerce, as well as property brokers and freight forwarders, to electronically file evidence of financial responsibility to receive USDOT registration. Existing regulations require only non-exempt for-hire motor carriers, property brokers, and household goods freight forwarders performing transfer, collection, and delivery services, to file evidence of financial responsibility with the Agency, and they allow hard copy submissions. SAFETEA–LU section 4303(b) amended 49 U.S.C. 13906 to require ''all persons, other than a motor private carrier, registered with the Secretary to provide transportation or service as a motor carrier'' to file evidence of financial responsibility with the Agency. Section 13906 also requires all property brokers and all freight forwarders performing transfer, collection, and delivery services to file evidence of financial responsibility with the Agency. FMCSA interprets these statutory requirements to mandate financial responsibility filings by all for-hire motor carriers, freight forwarders, and property brokers.

The Agency also requires certain private motor carriers transporting HM in interstate commerce to file evidence of financial responsibility with the Agency. These carriers are already required by statute and regulations to obtain and maintain Bodily Injury and Property Damage (BI&PD) insurance; this final rule requires the filing of evidence of such insurance with FMCSA. The Agency will be addressing the financial responsibility requirements for private non-hazardous material carriers separately from the URS final rule.

The Agency is requiring filings of evidence of financial responsibility for new applicants to be completed within 90 days of the date that an application is submitted (49 CFR 390.205(a)), or within 90 days of the date that the notice of application is published in the FMCSA Register, if a carrier is also seeking operating authority registration (49 CFR 365.109). The Agency is not providing a grace period for financial responsibility filing by existing exempt for-hire motor carriers or private motor carriers hauling HM. Such carriers must file by the compliance date of the final rule.

FMCSA is requiring insurers, surety companies, and financial institutions to convert to a web-based format when electronically filing evidence of financial responsibility (49 CFR 387.323). FMCSA currently accepts insurance filings in three formats: paper filings, electronic (ASCII) filings, and web-based filings. Web-based filings will promote efficiencies for FMCSA, insurers, sureties, financial institutions, and the public.

7. Process Agent Designations

FMCSA requires all for-hire and private motor carriers, brokers, and freight forwarders to designate process agents via electronic submission as a precondition for receiving USDOT registration and/or operating authority registration, when applicable (49 CFR 366.1). Current regulations require only entities that must register under 49 U.S.C. chapter 139 to designate a process agent (i.e., non-exempt for-hire motor carriers, property brokers, and freight forwarders), and the regulations permit hard copy submissions. Private motor carriers are already mandated by 49 U.S.C. 503 to designate process agents, although FMCSA has not until now promulgated a rule requiring them to do so. Although there is no statutory requirement that exempt for-hire carriers file process agent designations, the Secretary is authorized under 49 U.S.C. 31133(a)(8) to prescribe recordkeeping and reporting requirements for motor carriers and other entities subject to the Agency's safety oversight. Thus, FMCSA will extend the process agent designation requirement to include such carriers, as well as private carriers, to enhance the public's ability to serve legal process on responsible individuals when seeking compensation for losses resulting from a crash involving a commercial motor vehicle (CMV) operated by any motor carrier, regardless of the carrier's regulatory status.

The final rule also makes revisions to the Agency's designation of process agent regulations to provide greater certainty that process agent designations are accurate and that process agents are able to receive and serve on their client principals notices in court or administrative proceedings against regulated entities. Current regulations permit a carrier to fulfill its process agent designation requirements by listing an association or corporation that has filed with FMCSA a list of process agents for each State (blanket agent). To help ensure that such designations are up to date, new § 366.6(b) requires that changes to designations be reported to FMCSA within 30 days of the change. In response to public comments, the Agency has added, in § 366.6(c), a new requirement that a motor carrier, broker, or freight forwarder report changes in name, address, or contact information to its process agents and/or the company making a blanket designation on its behalf within 30 days of the change. Finally, the Agency has added § 366.6(d) to require process agents and blanket agents who file process agent designations on behalf of motor carriers, brokers, and freight forwarders to report termination of their contracts to provide process agent services for designated entities within 30 days of termination.

The Agency is requiring that new filings of designation of process agents be completed within 90 days of the date that an application is submitted, or within 90 days of the date that the notice of the application is published in the FMCSA Register if a carrier is also seeking operating authority registration under 49 CFR 365.109. An applicant is prohibited from operating until these filings are made and its USDOT Number has been activated. Existing private and exempt for-hire motor carriers will have a 180-day grace period (starting from the final rule compliance date) to file process agent designations. (49 CFR

366.2(b)). The grace period is necessary to accommodate the anticipated high volume of new filings under the URS.

8. Transfers of Operating Authority

FMCSA amends its regulations to require notification of transfers of operating authority registration. This final rule revises subpart D of title 49 CFR part 365, *Transfers of Operating Authority,* to reflect the Agency's current statutory authority over transfers of operating authority. Although FMCSA proposed to repeal this subpart, the Agency has since determined that it is in the public interest to require non-exempt for-hire motor carriers, property brokers, and freight forwarders that register under chapter 139 to notify FMCSA when these entities merge, transfer, or lease their operating rights. The Agency no longer accepts or reviews requests for transfers of operating authority. FMCSA believes, however, that it is necessary to require the reporting aspects of the regulations governing these transactions. These reporting requirements will enable the Agency to identify the parties responsible for the business operations of a for-hire motor carrier, broker, or freight forwarder.

9. Impacts on State Registration Systems

This final rule allows motor carriers registering their vehicles in States that participate in the Performance and Registration Information System Management (PRISM) Program to satisfy the USDOT registration and biennial update requirements by electronically filing the required information with the State [12] according to its policies and procedures, provided the State has integrated the USDOT registration/update capability into its vehicle registration program (49 CFR 390.203). If State procedures do not allow a motor carrier to file the Form MCSA–1 or to submit updates within the required 24-month window, the motor carrier will need to complete such filing directly with FMCSA. The Agency plans to work collaboratively with PRISM States to implement IT specifications to ensure a seamless transition to the URS.

10. Compliance Dates

The compliance date for the majority of this final rule is 26 months from the date of publication in the **Federal Register**. We have set this date to ensure sufficient time to develop URS. The Agency determined that enforcement of the biennial update requirement through the imposition of civil penalties is so important that the compliance date for this requirement (49 CFR 390.19(b)(4)) will occur as soon as possible (November 1, 2013). Motor carriers and intermodal equipment providers are already required to update their registration information every 24 months under § 390.19. The Agency believes it is very important for regulated entities to update their registration information biennially. Timely updates are critical to FMCSA's compliance and enforcement program because they increase the likelihood that the Agency will be able to accurately identify, locate, and contact regulated entities to carry out its mission. The Agency, therefore, is implementing the regulatory provision stating that anyone failing to comply with the biennial update requirement is subject to civil penalties beginning November 1, 2013 rather than waiting an additional 24 months to implement this significant enforcement tool. For similar reasons, FMCSA is implementing the new enforcement provision that states the penalties for operating a CMV providing transportation in interstate commerce without a USDOT Registration and an active USDOT Number (§ 392.9b).

C. Benefits and Costs [13]

FMCSA classified the costs and benefits calculated in the regulatory evaluation as either changes in fees, resource costs,[14] or benefits. Changes in fees are neutral and will not result in a net gain (benefit) or loss (cost) from a societal perspective. For example, if FMCSA were to eliminate a fee previously paid by motor carriers, that group would receive a benefit. However, the benefit would be offset by an equal cost to the Agency in the form of lost revenues. Unlike changes in fees, changes in resource costs and benefits do result in either a cost or a benefit to society. The Agency estimated the costs and benefits associated with implementing the following major URS provisions:

- A new requirement for private and exempt for-hire motor carriers, cargo tank facilities, and intermodal equipment providers (IEPs) to pay FMCSA registration fees; [15]
- A new requirement for private carriers and exempt for-hire motor carriers to acquire the services of process agents and file proof of designations with FMCSA;
- A new requirement for private HM and exempt for-hire motor carriers to file proof of liability insurance with FMCSA—these entities are already subject to the financial responsibility requirements of 49 CFR part 387;
- A reduction of the current reinstatement fee for non-exempt for-hire motor carriers, brokers, and freight forwarders and new reinstatement fees for exempt for-hire and private HM carriers;
- Elimination of FMCSA review and approval of operating authority registration transfers, including the $300 fee, while still requiring notification of transfers of operating authority;
- Elimination of filing fees for name changes;
- Introduction of new Form MCSA–1 filing requirements; and
- Mandatory electronic filing of Form MCSA–1.

Table 3 presents the total benefits of the URS rule for each provision. For the industry, total benefits amount to $1.4 million and fee savings amount to $7.3 million over the 10-year analysis period (2014–2023). For the Agency, total benefits during this period amount to $27.4 million and an additional $65.3 million in fees received.

This rule will improve the ability of FMCSA safety investigators to locate small and medium-sized private and exempt for-hire motor carriers for enforcement action because investigators will be able to work with the newly-designated process agents to locate hard-to-find motor carriers. The Agency believes that a more efficient Compliance, Safety, Accountability (CSA) Program due to the URS Rule will lead to increased safety benefits. However, to present a conservative estimate of the benefits of the URS rule, we only estimate the benefit of time saved by the Agency due to a more efficient CSA Program.

[12] As used in this context, State refers to the agency in a PRISM Program State responsible for CMV registration (for example, a Department of Motor Vehicles, Motor Vehicle Administration, State Driver Licensing Agency, or Taxation and Revenue Authority).

[13] Calculations presented in this section may be subject to rounding errors.

[14] Resource costs are expenditures of capital or labor incurred by the industry or Agency.

[15] Throughout the Regulatory Evaluation, cargo tank facilities and IEPs are referred to as ''other entities.''

TABLE 3—TOTAL BENEFITS OF URS RULE

[10-year present value]

URS Rule provision	Benefits		Fees received/saved	
	Industry	Agency	Industry	Agency
Mandatory Electronic Filing	$0	$20,922,981	$0	$0
Eliminating Transfer/Name Change Requirements	0	0	2,522,258	0
New Applicant Fee	0	0	0	63,583,722
Insurance Filing	0	0	0	1,691,808
Process Agent Filing	0	3,130,736	0	0
Cancellations and Reinstatements	0	0	4,808,126	0
New MCSA–1 Application Form	1,354,631	3,391,089	0	0
Total Benefits	1,354,631	27,444,807	7,330,384	65,275,530

Note: Numbers may not add due to rounding.

Table 4 presents the total costs associated with the URS final rule. The URS final rule will result in an anticipated resource cost to industry of $26.4 million and a resource cost to FMCSA of approximately $135,000 over the 10-year analysis period (2014–2023).[16] The total societal cost of the URS final rule is thus approximately $26.5 million ($26,380,935+$135,158). The industry also will pay additional fees of $65.3 million, and the Agency will experience an average decrease in fee revenues of $7.3 million over the 10-year analysis period.

TABLE 4—TOTAL COSTS OF URS RULE

[10-year present value]

URS Rule provision	Resource costs		Fees paid/lost	
	Industry	Agency	Industry	Agency
Mandatory Electronic Filing	$538,894	$0	$0	$0
Eliminating Transfer/Name Change Requirements	38,236	0	0	2,522,258
New Applicant Fee	0	0	63,583,722	0
Insurance Filing	676,723	0	1,691,808	0
Process Agent Filing	25,067,012	0	0	0
Cancellations and Reinstatements	60,070	135,158	0	4,808,126
New MCSA–1 Application Form	0	0	0	0
Total Costs	26,380,935	135,158	65,275,530	7,330,384

Note: Numbers may not add due to rounding.

FMCSA calculated the net societal benefits of the URS final rule by subtracting the total (industry and Agency) 10-year costs from the total 10-year benefits for each provision. The cost to industry associated with fee changes is offset by an equal gain to FMCSA due to increased revenues from fees. Table 5 presents the net benefits of the proposed rule. Total societal net benefits of the URS final rule are estimated to be $2.3 million, negative $25.0 million for the industry (which is less than $50 per entity) and positive $27.3 million for FMCSA. The industry will pay $57.9 million more in fees (total fees paid and fees saved). This increase in fees to the industry is offset by a total $57.9 million increase in fees received by FMCSA (representing a net of fees lost and fees received). FMCSA believes the fees and costs of the URS rule will not lead to a reduction in industry competitiveness.

TABLE 5—NET BENEFITS OF URS RULE

[10-year present value]

URS Rule provision	Net benefits		Net fees	
	Industry	Agency	Industry	Agency
Mandatory Electronic Filing	−$538,891	$20,922,981	$0	$0
Eliminating Transfer/Name Change Requirements	−38,236	0	2,522,258	−2,522,258
New Applicant Fee	0	0	−63,583,722	63,583,722
Insurance Filing	−676,723	0	−1,691,808	1,691,808
Process Agent Filing	−25,067,012	3,130,736	0	0
Cancellations and Reinstatements	−60,070	−135,158	4,808,126	−4,808,126
New MCSA–1 Application Form	1,354,631	3,391,089	0	0
Net Benefits	−25,026,304	27,309,648	−57,945,146	57,945,146

[16] The resource cost to FMCSA for building the IT system is not included in the economic analysis.

TABLE 5—NET BENEFITS OF URS RULE—Continued

[10-year present value]

URS Rule provision	Net benefits		Net fees	
	Industry	Agency	Industry	Agency
Societal Net Benefits	2,283,344		0	

Note: Numbers may not add due to rounding.

IV. Background

A. Legal Authority

FMCSA promulgates the Unified Registration System final rule in response to sec. 103 of the ICC Termination Act of 1995 (ICCTA) [Pub. L. 104–88, 109 Stat. 803, 888, Dec. 29, 1995] and subtitle C of title IV of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) [Pub. L. 109–59, 119 Stat. 1144, 1761, Aug. 10, 2005]. This rulemaking action is also consistent with the requirements of 31 U.S.C. 9701 and 49 U.S.C. 13301, 31133(a)(8), 31134, and 31136(a).

Pursuant to 49 U.S.C. 13908, which was enacted into law by section 103 of the ICCTA, Congress directed the Secretary in cooperation with the States, and after notice and opportunity for public comment, to issue regulations to replace four existing information systems with a single, on-line, Federal system. These Agency systems were: (1) The USDOT identification number system; (2) the since-repealed Single State Registration System (SSRS) under 49 U.S.C. 14504; (3) the registration system contained in 49 U.S.C. chapter 139; and (4) the financial responsibility information system under 49 U.S.C. 13906.

Congress also directed the Secretary, in developing this rulemaking, to consider whether to integrate the requirements of 49 U.S.C. 13304 regarding service of process in court proceedings into the new system. Congress intended for the new system to serve as a clearinghouse and depository of information on, and identification of, all foreign and domestic motor carriers, brokers, and freight forwarders, and other entities required to register with the Department as well as information on safety fitness and compliance with minimum levels of financial responsibility.

The language of 49 U.S.C. 13908(c), as enacted by the ICCTA, also authorized the Secretary to ''establish, under section 9701 of title 31 [of the U.S. Code], a fee system for registration and filing evidence of financial responsibility under the new system under subsection (a). Fees collected under the fee system shall cover the costs of operating and upgrading the registration system, including all personnel costs associated with the system.''

Pursuant to the Unified Carrier Registration Act of 2005, subtitle C of title IV of SAFETEA–LU, Congress modified some of the elements of the unified registration system required by the ICCTA. In particular, SAFETEA–LU changed the scope of the Secretary's responsibility to develop a registration system to replace the SSRS. It also modified the requirement that fees collected under the new system cover the costs of operating and upgrading the registration system and placed limitations on certain fees that the Agency could charge. Section 4304 of SAFETEA–LU reiterated the congressional requirement for a single, on-line, Federal system to replace the four individual systems identified under 49 U.S.C. 13908 and also mandated inclusion of the service of process agent systems under 49 U.S.C. 503 and 13304. SAFETEA–LU refers to the Federal online replacement system as the Unified Carrier Registration System. The Agency considers the URS announced in both the May 2005 notice of proposed rulemaking (NPRM) and the October 2011 SNPRM to be the Unified Carrier Registration System.[17]

Notwithstanding the reference to 49 U.S.C. 14504 in section 4304 of SAFETEA–LU, section 4305(a) of SAFETEA–LU repealed 49 U.S.C. 14504, which governed the SSRS, effective January 1, 2007. The legislative history indicates that the purpose of the UCR Plan and Agreement is both ''to replace the existing outdated system [SSRS]'' for registration of interstate motor carrier entities with the States and to ''ensure that States don't lose current revenues derived from SSRS'' (S. Rep. 109–120, at 2 (2005)).[18] Today's final rule incorporates the requirements imposed by SAFETEA–LU.

Title 31 U.S.C. 9701 (the so-called ''User Fee Statute'') establishes general authority for agencies to ''charge for a service or thing of value provided by the Agency.'' Accordingly, FMCSA is authorized to charge fees under URS that will enable the Agency to recoup costs associated with processing registration applications and administrative filings. Prior to the enactment of the Moving Ahead for Progress in the 21st Century Act (MAP–21),[19] 49 U.S.C. 13908(d) required establishment of registration fees that, as nearly as possible, cover the costs of processing the registration, provided the fees do not exceed $300. MAP–21 removed the $300 fee cap.

Section 206 of the Motor Carrier Safety Act of 1984 [Pub. L. 98–554, title II, 98 Stat. 2832, October 30, 1985, 49 U.S.C. App. 2505, recodified at 49 U.S.C. 31136] requires the Secretary to prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for CMVs. At a minimum, the regulations shall ensure that: (1) CMVs are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of CMVs do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of CMVs is adequate to enable them to operate the vehicles safely; and (4) the operation of CMVs does not have a deleterious effect on the physical condition of the operators (49 U.S.C. 31136(a)). Section 32911 of MAP–21 added a new subsection (5) to sec. 31136(a), requiring FMCSA regulations to ensure that an operator of a CMV is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a CMV in violation of a regulation promulgated under section 31136 or 49 U.S.C. chapters 51 or 313.

Today's final rule streamlines the existing registration process and ensure

[17] Under section 4305 of SAFETEA–LU (which enacted 49 U.S.C. 14504a), Congress replaced the SSRS with the Unified Carrier Registration (UCR) Agreement. Registration and payment of fees under the UCR Agreement are not the responsibility of FMCSA; the SSRS was, and the UCR Plan and Agreement is, administered by the participating States. However, as provided by 49 U.S.C. 13908(b), information about the compliance of entities subject to the UCR Agreement will be available through the URS when that system has been developed.

[18] The Senate bill's provisions were enacted ''with modifications.'' H. Conf. Rep. No. 109–203, at 1020 (2005).

[19] Public Law 112–141, 126 Stat. 405. MAP–21 was signed into law on July 6, 2012.

that FMCSA can more efficiently track motor carriers, freight forwarders, brokers, intermodal equipment providers and cargo tank facilities to maximize safety. It implements the mandate under 49 U.S.C. 31136(a)(1) that FMCSA's regulations ensure that CMVs are maintained and operated safely. Because the rule applies almost entirely to motor carriers and imposes no operational responsibilities on drivers, FMCSA believes that coercion of drivers to violate the rule, in contravention of section 31136(a)(5), will not occur. This regulation will not impair a driver's ability to operate vehicles safely (49 U.S.C. 31136(a)(2)), and will not impact the physical condition of drivers (49 U.S.C. 31136(a)(3) and (4)).

Legal authority for requiring notification to the Agency of transfers of operating authority registration (and for requiring exempt for-hire motor carriers to file process agent designations) can be found at 49 U.S.C. 13301 and 31133. Under 49 U.S.C. 13301(b), the Secretary has broad authority to obtain from persons information regarding carriers and brokers the Secretary decides is necessary to carry out the Agency's commercial regulatory responsibilities, as enumerated in title 49, subtitle IV, part B. The term ''carriers'' includes freight forwarders (49 U.S.C. 13102(3)). In addition, 49 U.S.C. 31133(a)(8) authorizes the Secretary to prescribe recordkeeping and reporting requirements for motor carriers and other entities subject to the Agency's safety oversight.

B. Regulatory History

The Federal Highway Administration (FMCSA's predecessor agency) issued an advance notice of proposed rulemaking (ANPRM) announcing plans to develop a single, online, Federal information system in August 1996.[20] The ANPRM solicited specific detailed information from the public about each of the systems to be replaced by the URS, the conceptual design of the URS, uses and users of the information to be collected, and potential costs.

On May 19, 2005, FMCSA published an NPRM describing a proposal to merge all of the prescribed information systems except the SSRS into a unified, online Federal system.[21] The Agency subsequently revised the May 2005 proposal in an October 26, 2011 SNPRM to incorporate new congressionally mandated provisions in SAFETEA–LU, and modified certain proposals in response to comments to the NPRM.[22] The SNPRM also included changes necessitated by final rules published subsequent to publication of the NPRM that directly impacted the URS. In the SNPRM, the Agency substantially altered the regulatory drafting approach proposed in the NPRM by creating a straightforward requirement for all entities to register and biennially update registration information under the new URS and by compiling a centralized cross-reference to existing safety and commercial regulations necessary for compliance with the registration requirements. The Agency abandoned previous efforts to reorganize all registration and new entrant requirements under a single part under title 49, Code of Federal Regulations (CFR) chapter III.

MAP–21 affects a number of rules that FMCSA is currently working on, including this one. Because MAP–21 was enacted several months after the close of the comment period for the SNPRM, the public has not had an opportunity to comment on provisions of the Act that may have an impact on the URS. Rather than delay issuance of this final rule, and to ensure an appropriate opportunity for public participation in the changes necessitated by MAP–21, the Agency will initiate a separate rulemaking proceeding(s) to address most of the needed changes. In some cases, these changes will not require rulemaking and will be addressed during the implementation phase of the URS. In other cases, minor or technical changes that involve little exercise of Agency discretion in the MCSA–1 Form and Instructions, which would not require notice and comment rulemaking, have been made to conform with MAP–21.[23]

V. Discussion of Comments

A. Summary of Comments

FMCSA received comments to the URS SNPRM from nine respondents: American Trucking Associations (ATA),[24] Greyhound, Inc. (Greyhound),[25] the Missouri Department of Transportation (MoDOT),[26] the National Automobile Dealers Association—American Truck Dealers Division (NADA–ATDD),[27] the National Private Truck Council (NPTC),[28] the National School Transportation Association (NSTA),[29] the National Tank Truck Carriers (NTTC),[30] the Owner-Operator Independent Drivers Association (OOIDA),[31] and the Transportation Intermediaries Association (TIA).[32] These entities consist of industry trade groups, a State government, and a motor carrier.

Respondents generally supported the concept of a unified registration system as described in the SNPRM, but some expressed concerns about potential negative impacts on Federal/State partnership initiatives such as the UCR Agreement, the PRISM Program, the CSA Program, and the New Entrant Safety Assurance Program. There were also comments about the proposed Form MCSA–1 being too lengthy and overly complicated to use. OOIDA, ATA, and MoDOT proposed extensive corrections, revisions, and enhancements to the proposed form and instructions. NTTC commented that it wished to be associated with ATA's comments.

B. Overly Complex Application Form

NPTC, ATA, and NADA–ATDD commented that the proposed MCSA–1 Form and its Instructions were overly complex. NPTC commented that the proposed MCSA–1 Form was too long and complicated for applicants to use without professional assistance. NADA–ATTD commented that the proposed form was unnecessarily long and overly complex for FMCSA to expect accurate compliance. Similarly, ATA commented that the proposed Form MCSA–1 was too lengthy, awkward, and complicated to encourage, or even permit, compliance by entities that would have to use it. However, these commenters did express support for an online application process.

[20] *Advance Notice of Proposed Rulemaking, Motor Carrier Replacement Information/ Registration System,* 61 FR 43816 (Aug. 26, 1996).

[21] *Notice of Proposed Rulemaking, Unified Registration System,* 70 FR 28990 (May 19, 2005).

[22] *Supplemental Notice of Proposed Rulemaking, Unified Registration System,* 76 FR 66506 (Oct. 26, 2011).

[23] Under section 553(b)(3)(B) of the Administrative Procedure Act [5 U.S.C. 553(b)(3)(B)] (APA), notice and comment rulemaking is not required when the Agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. The changes made in response to MAP–21 were limited to modifying the MCSA–1 Form and Instructions to incorporate new statutory language regarding affiliations with other regulated entities. The SNPRM had proposed different, but similar language; thus the modification was clearly within the scope of the issues that were subject to notice and comment in the SNPRM. For this reason, the agency believes that, consistent with the APA, providing further opportunity for further public comment on these limited changes is unnecessary.

[24] Docket No. FMCSA–1997–2349–0184.

[25] Docket No. FMCSA–1997–2349–0182.

[26] Docket No. FMCSA–1997–2349–0186.

[27] Docket No. FMCSA–1997–2349–0188.

[28] Docket No. FMCSA–1997–2349–0187.

[29] Docket No. FMCSA–1997–2349–0185.

[30] Docket No. FMCSA–1997–2349–0189.

[31] Docket No. FMCSA–1997–2349–0190.

[32] Docket No. FMCSA–1997–2349–0183.

Specifically, ATA commented that while it supported the requirement to file the MCSA–1 Form online, the proposed MCSA–1 was not well-suited for online filing because a longer form requires different treatment online. If the MCSA–1 Form could not be simplified, this commenter recommended that the form be split into a number of separate forms, along either functional lines or according to the type of entity required to report. NADA–ATTD strongly urged FMCSA to consider revisions to the MCSA–1 to make it more applicable to small, private motor carriers. This commenter recommended that the Agency issue another SNPRM outlining these changes before implementation of the URS. NADA–ATTD commented that FMCSA had not explained sufficiently why the substantial additions to this form were necessary, especially for small motor carriers.

FMCSA Response. The Agency included the proposed Form MCSA–1 and Instructions in the SNPRM to illustrate the new unified application form around which the URS will be built, to disclose the complete list of registration information that the Agency will collect from the public and record in the URS, and to announce that the Agency will no longer require the individual forms associated with safety and commercial registration today. The paper Form MCSA–1 and Instructions included in the SNPRM was necessary to provide notice of and seek comment on the information FMCSA was proposing to collect and the Agency's explanation of those data fields. Form MCSA–1 is not intended to be completed in hardcopy but as an online, interactive application.

When the URS program is fully implemented, the electronic version of the Form MCSA–1 will be considerably less complex and lengthy than the paper version because URS will guide the applicant to only those portions of the MCSA–1 Form pertinent to the particular applicant's operations, thus skipping all irrelevant sections that do not apply. The application process will mimic the interactive, interview format of popular tax preparation software, and will use software similar to that used by the U.S. Department of Education in the Free Application for Student Aid (FAFSA), in contrast with a static PDF fillable form. Applicants will be asked only those questions applicable to their specific operations. An applicant's answers to the initial MCSA–1 questions, including operation classification (Section A, question 15) and reason for filing (pre-Section A), will determine which sections of the MCSA–1 Form that entity will be subsequently prompted to fill. As suggested in ATA's comments, an applicant will not need to view the sections of the MCSA–1 Form that were not applicable to that entity. The Agency's goal is to eliminate as much of the guesswork as possible from the electronic registration process and to receive accurate information. As explained throughout this final rule, FMCSA received and has adopted many helpful suggestions for corrections, improvements, and clarifications to the MCSA–1 Form and Instructions. The updated MCSA–1 Form and Instructions are available in the docket FMCSA–1997–2349 for the public to view.

The online, interactive application process will particularly assist small carriers by requiring applicants to view only the portions of the MCSA–1 Form that are relevant to them, based on their answers to the first few questions. Thus, the electronic filing process will save a small carrier the needless effort of reading through portions of a form or instructions that they need not submit. Questions will display on the left side of the screen and a pop-up screen will appear on the right with instructions, as well as examples of acceptable responses.

To explain how the system will work, we will walk through a mock registration scenario for a private non-HM property motor carrier we will call ''Example Private Trucking'' (EPT). Since EPT is applying to operate as a private carrier, the regulations for obtaining operating authority registration under 49 CFR part 365, or filing evidence of financial responsibility under 49 CFR part 387, would not apply. To obtain a USDOT registration, EPT will be prompted to complete only 5 of the 16 sections on Form MCSA–1: Section A (Business Description); Section B (Operation Classification); Section M (Compliance Certifications); Section N (Applicant's Oath); and Section P (Filing Fee). The online URS would also prompt EPT to designate a process agent. After EPT completes the registration information and process agent designation, FMCSA would immediately issue an active USDOT Number and flag the motor carrier for participation in the New Entrant Safety Assurance Program. The biennial update will require EPT to submit even less information than the initial registration process.

C. Insufficient Technical Information

ATA expressed concern about the lack of technical details regarding the planned URS design in the SNPRM. ATA stated that because the URS is a data-processing system, the technical details of its design are of critical importance to its eventual effectiveness in accomplishing its stated purpose and functions.

In particular, ATA expressed concern about the lack of details regarding the proposal that motor carriers could fulfill their biennial registration update obligations by filing with their base States under the PRISM Program. ATA stated that this procedure would be difficult to coordinate, and commented that the SNPRM disclosed so little detail with respect to these plans that it could not assess their feasibility, or their chances for success. Therefore, this commenter recommended that FMCSA provide a clearer description of what is intended in connection with PRISM State registration in an additional SNPRM. ATA commented that the public interest in this key element of the registration function was too great for the matter to be handled by amendments to the PRISM procedures.

FMCSA Response. With regards to system specifications, FMCSA is unable to provide these details at this time because the Agency is completing the regulatory aspects of the URS project in advance of the completion of the IT system requirements development. The Agency has published several final rules with associated IT requirements that must be scheduled to coincide with imminent regulatory compliance dates earlier than the URS compliance date. Meanwhile, each year the Agency delays finalization of the URS rule increases the possibility that new requirements and corresponding system changes could be imposed. The Agency opted to complete the URS rulemaking project separately from the associated IT development project to provide adequate notice of the new registration requirement, and set a compliance date that builds in sufficient lead time for regulatory compliance and system development. The Agency plans to work collaboratively with PRISM States to implement IT specifications to ensure a seamless transition to the URS.

D. Applicability

1. Cargo Tank Program

ATA recommended that FMCSA's cargo tank registration program be excluded from the URS, or at least not included in Form MCSA–1. To support its recommendation, ATA asserted that the cargo tank program's exclusion would help to prune the MCSA–1 Form to a more manageable size. ATA further stated that the cargo tank program is not

per se a transportation program,[33] and can reasonably be handled in another manner.

FMCSA Response. The Agency believes all FMCSA-regulated entities must be subject to the URS registration requirement because section 4304 of SAFETEA–LU amended 49 U.S.C. 13908(b) to require the Federal on-line replacement system to:

> ''serve as a clearinghouse and depository of information on, and identification of, all foreign and domestic motor carriers, motor private carriers, brokers, freight forwarders, and *others required to register with the U.S. Department of Transportation,* including information with respect to a carrier's safety rating, compliance with required levels of financial responsibility, and compliance with the provisions of 49 U.S.C. 14504a.'' (Emphasis added).

As explained in the SNPRM, FMCSA interprets this statutory provision as authorizing the inclusion of all entities regulated by FMCSA in the URS.[34] Although the cargo tank registration program is not a motor carrier program, FMCSA believes that merging the Cargo Tank Registration Process with the URS will best further the congressional intent to create a unified system of information and registration, as expressed in the SAFETEA–LU provision quoted above.

Moreover, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations at 49 CFR part 107, subpart F govern the registration procedures for persons who are engaged in the manufacture, assembly, inspection and testing, certification, or repair of a cargo tank or a cargo tank motor vehicle manufactured in accordance with a DOT specification under subchapter C of 49 CFR chapter III or under terms of a special permit issued under 49 CFR part 107.[35] Under § 107.502(d), PHMSA requires cargo tank facilities to complete their registration requirements with FMCSA. As previously mentioned, the electronic Form MCSA–1 will be designed so only cargo tank facility applicants would encounter the questions that apply exclusively to cargo tank registration.

See section V.M for a discussion of FMCSA's rationale not to collect additional cargo tank information on the Form MCSA–1.

2. Certain Intrastate HM Carriers

NTTC recommended that FMCSA require all transporters of bulk HM in tank vehicles to register with the Agency using Form MCSA–1, including intrastate-only carriers. This commenter stated ''that while it believed all intrastate [HM] carriers should be required to register with FMCSA,'' it was limiting its request ''to those carriers who transport [hazardous] materials in bulk in tank vehicles.'' NTTC expressed concern that under the CSA Program, HM carriers will only be measured against other interstate carriers or intrastate carriers from States that require them to get a USDOT Number. NTTC asserted that because only 31 States require intrastate HM carriers to obtain a USDOT Number, the Safety Measurement System HM Behavioral Analysis Safety Improvement Category (BASIC) may not truly measure HM carriers against their peers since it will not have information on all HM carriers.

NTTC encouraged the DOT to incorporate into its registration process a requirement whereby intrastate tank truck carriers of HM register with FMCSA. NTTC commented that if this rule is not the appropriate vehicle to require registration of intrastate tank truck carriers of HM with FMCSA, then it requested that the Department consider its comment submission to be a petition for rulemaking. NTTC commented that a ''OneDOT'' approach in the near term would be to require that any HM tank truck carrier applying to register with PHMSA must first be registered with FMCSA. This commenter stated that the PHMSA transporter registration program does not exclude intrastate carriers.

FMCSA Response. Generally, the Agency does not have authority to regulate motor carriers that operate exclusively in intrastate commerce because the statutes on which most of FMCSA's commercial regulations and safety regulations are based apply primarily to transportation in interstate commerce.[36] The only Federal safety regulations applicable to motor carriers that operate exclusively in intrastate commerce are the commercial driver's license (CDL) requirement for drivers operating commercial motor vehicles (CMVs) as defined in 49 CFR 383.5; controlled substances and alcohol testing for all persons required to possess a CDL; minimum levels of financial responsibility for intrastate transportation of certain quantities of HM; applicable portions of the HM regulations in 49 CFR parts 100–180; and the requirement to obtain a Hazardous Materials Safety Permit (HMSP). As a result, the Agency will not accommodate this request at this time. The Agency, however, will accept NTTC's filing as a petition for rulemaking, and will handle the issue at a later date.

3. Hazardous Materials Safety Permit Applicants

The SNPRM table entitled ''Entities Required to Register under the Unified Registration System'' explained that an HMSP applicant was a ''motor carrier that transports in interstate or intrastate commerce any of the HM, in the quantity indicated for each, listed under 49 CFR 385.403.''[37] NTTC recommended that FMCSA change this SNPRM table so that the entry that described HMSP applicants would read as follows: ''A motor carrier that transports in interstate or intrastate commerce any of the HM, in the quantity indicated for each, listed under 49 CFR 172.101.''

FMCSA Response. FMCSA intentionally referenced the list of HM and quantities in 49 CFR 385.403, because the HMSP is not required for every hazardous material listed under 49 CFR 172.101 titled, ''Table of Hazardous Materials and Special Provisions.'' The HMSP is required only for the HM transported in an amount or manner listed under § 385.403.

Under 49 U.S.C. 5109(b), Congress authorized the Secretary to prescribe the types and quantities of HM which are subject to an HMSP, stipulating that the list must, at a minimum, include the four types of HMs listed in section 5109(b). The Secretary delegated responsibility for implementing section 5109 to the FMCSA Administrator. *See* 49 CFR 1.87(d)(2). In 2004, FMCSA published a final rule establishing a national HMSP program for motor carriers that transport in interstate or intrastate commerce the HM listed and transported in the amount or manner prescribed in § 385.403(a)–(f).[38]

4. Mexico-Domiciled Motor Carriers

MoDOT commented that the Agency should exclude all Mexican carriers from completing Form MCSA–1, including carriers with operations

[33] In its comments to the NPRM, ATA stated that the cargo tank registration program is not a motor carrier program because it applies only to persons engaged in the manufacture, assembly, inspection and testing, certification, or repair of a cargo tank. Docket No. FMCSA–1997–2349–0168.

[34] *See* 76 FR 66506, 66512–66513.

[35] *See* 49 CFR part 107, subpart F, *Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design Certifying Engineers.*

[36] *See* 49 U.S.C. 31132(1) (defining ''commercial motor vehicle'' for purposes of safety regulation as ''a self-propelled or towed vehicle used on the highways *in interstate commerce* to transport passengers or property . . .'') (emphasis added); 49 U.S.C. 13501 (giving FMCSA general jurisdiction over transportation in interstate and foreign commerce for purposes of commercial regulation).

[37] *See* 76 FR 66506, 66514.

[38] *See Final Rule, Hazardous Materials Safety Permits,* 69 FR 39350 (June 30, 2004).

limited to the border commercial zones. This commenter asserted that it is confusing to have some of the Mexican carriers complete this form and others complete the old OP–1(MX) and MCS–150 forms.

FMCSA Response. The Agency is adopting the approach proposed for Mexico-domiciled carriers in the SNPRM. FMCSA will subject all entities under its jurisdiction to the URS registration requirement, to the extent practicable. Applications from Mexico-domiciled long-haul carriers, however, will continue to be processed separate from the URS because the U.S.-Mexico border is open to only those carriers participating in the pilot program with distinct requirements.[39] The North American Free Trade Agreement (NAFTA) authorized the Agency to apply different standards for long-haul Mexico-domiciled carriers due to concerns about regulatory disparities between Mexico and the United States. Because the results of the pilot program are still uncertain, it would be premature to include long-haul Mexico-domiciled carriers in the URS at this time. FMCSA may include such carriers in the URS in the future, if appropriate.

FMCSA disagrees with MoDOT that all Mexico-domiciled carriers, including those confined to the border commercial zones, should be excluded from the URS based on possible confusion. Commercial zone Mexico-domiciled carriers already file different forms, and are subject to different rules, than Mexico-domiciled long-haul carriers. Including Mexico-domiciled commercial zone carriers in the URS, moreover, is consistent with the statutory mandate to include foreign carriers in the system.

5. Non-Motor Carrier Leasing Companies

MoDOT requested that the Agency provide a specific definition for the term ''leasing company'' and instructions for how these entities should complete Form MCSA–1. According to MoDOT, there may be instances where such companies act as a motor carrier, but in other cases they do not. When the leasing company is not a motor carrier, MoDOT commented that the company needs to know how to complete the MCSA–1 Form, which sections apply to it, and how to report or not report its number of vehicles.

FMCSA Response. FMCSA contacted MoDOT to gain a clearer understanding of this comment and learned it is actually a request for FMCSA to require non-motor carrier leasing companies to register in URS so that States have a source through which they can identify these entities to collect UCR Agreement fees.[40] Therefore, the Agency regards this as an ''applicability'' issue rather than a form-related one.

Under new FMCSA PRISM procedures that took effect on or about September 1, 2012, non-motor carrier leasing companies are no longer required to obtain USDOT Numbers. On August 9, 2010, FMCSA announced the elimination of ''registrant-only'' USDOT Numbers as part of the PRISM Program.[41] As stated in that notice, FMCSA originally developed the concept of a registrant-only USDOT Number to identify registered owners of CMVs that are not motor carriers, but lease their CMVs to entities that are motor carriers. FMCSA concluded, however, that registrant-only USDOT Numbers were being used differently than the Agency intended, impeding its ability to track motor carriers' safety violations.

For example, in several cases, law enforcement personnel conducting inspections and crash investigations were presented with registrant-only numbers of the leasing companies providing the vehicles instead of the USDOT Numbers of the motor carriers operating the vehicles. In these instances, the data could not be assigned to the record of a motor carrier. Motor carriers that improperly used registrant-only numbers, therefore, were evading FMCSA safety oversight, including compliance reviews and New Entrant Safety Audits. If safety events are not properly attributed to the motor carrier operating the CMVs, FMCSA cannot factor those events into the motor carriers' safety ratings and other assessments. This situation results from the misidentification of a vehicle and is a marking issue, rather than an IT or URS issue.

Accordingly, FMCSA decided to eliminate the PRISM procedure that requires non-motor carrier applicants, including leasing companies, to obtain registrant-only USDOT Numbers. PRISM Program States were directed to modify their systems, forms, instruction manuals, computer systems' validation and safety edits, renewal applications and MCS–150 edits and procedures by August 31, 2011. FMCSA planned to eliminate the practice of allowing non-motor carrier applicants to obtain registrant-only USDOT Numbers by September 1, 2011. On August 31, 2011, however, FMCSA extended the effective date for making the change to eliminate the registrant-only entry to September 1, 2012.[42]

Because FMCSA does not regulate non-motor carrier leasing companies, they will not be included within the URS and will not have to complete the Form MCSA–1. FMCSA will deactivate the USDOT Numbers issued to leasing companies prior to October 23, 2015. Beginning September 1, 2012, the Agency notified each entity registered as a Registrant to either deactivate its USDOT Number or change its operation type to the appropriate carrier operation. If such actions are not taken, the Agency will deactivate those USDOT Numbers.

6. School Bus Operations

The NSTA commented that, as it understood the proposed rule, school bus operations (home-to-school-to-home routes) continue to be exempt from URS. Therefore, a for-hire school bus contractor would register under URS only if the contractor also provides charter transportation, such as school activity trips. If this were the case, the NSTA commented that it believed the contractor would check the box on the proposed form in Section A, question 17a, for Charter and Special Operations. The NSTA requested clarification from FMCSA that under the sections on the Form MCSA–1 that ask for the number of vehicles and the number of drivers who will be operating in the United States, the contractor need enter only the portion of its vehicles and drivers that are used in charter operations, and not the portion that are used in school bus operations. NSTA also requested clarification as to whether Section G, question 36 (Government Funding Status) of Form MCSA–1 includes a contract between a municipality and a school bus contractor for school transportation service, if such contract includes activity transportation.

FMCSA Response. This final rule does not in any way affect the school bus exemption. Motor carriers that provide charter transportation services under contract to schools, and that are subject to FMCSA jurisdiction, remain subject to registration requirements with regard

[39] *See Pilot Program on the North American Free Trade Agreement (NAFTA) Long-Haul Trucking Provisions,* 76 FR 40420 (July 8, 2011); *see generally http://www.fmcsa.dot.gov/intl-programs/trucking/Trucking-Program.aspx* (last accessed Apr. 2, 2012).

[40] *See* Memorandum, Telephone Conversation with Barbara Hague, Missouri Department of Transportation, Motor Carrier Services, Document ID No. FMCSA–1997–2349–0178–0193; Memorandum and Contact with Missouri Department of Transportation Clarification of Issue Involving Leasing Companies, Document ID No. FMCSA–1997–2349–0192.

[41] *Notice of Procedural Changes to the Performance and Registration Information Systems Management Program,* 75 FR 47883 (Aug. 9, 2010).

[42] *See Notice, Extension of Effective Date,* 76 FR 54288 (Aug. 31, 2011).

to the need to obtain authority to operate an interstate for-hire motor carrier, maintain minimum levels of financial responsibility and file proof of coverage, and acquire and maintain proof of designation of process. The drivers employed by these carriers are subject to FMCSA's requirements for commercial driver's licenses and the controlled substances and alcohol testing rules. Such a contractor that provides charter transportation would check the box on the MCSA–1 Form in Section A for Charter and Special Operations, which has been renumbered as question 15a. In response to the NSTA's specific questions, the contractor need enter only the portion of its vehicles and drivers that are used in interstate charter operations, and not the portion that are used solely in school bus operations, as defined in 49 CFR 390.5. In compliance reviews, the Agency also does not count the number of buses used for exempt transportation.

Regarding Form MCSA–1, the question regarding Government Funding Status, which has been renumbered as question 34, does not include a contract between a municipality and a school bus contractor for school transportation service, if such contract includes activity transportation. The question is directly related to the requirements of 49 U.S.C. 13902. Under 49 U.S.C. 13902(b), the Agency is obligated to grant an application for regular-route operating authority filed by a private recipient of government financial assistance if the applicant can show that it is fit, willing, and able to serve the route, unless a protestant comes forward and affirmatively demonstrates that granting the application would be inconsistent with the public interest. Under 49 U.S.C. 13902(b)(8)(B), the term ''private recipient of government assistance'' is defined as ''any person (other than a public recipient of government assistance) who received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.'' Based on this definition, FMCSA believes that payments made by a municipality to a for-hire school bus operator to provide non-exempt transportation of students would be considered compensation rather than a subsidy and, thus, not within the confines of section 13902(b)(8)(B). Therefore, such an applicant would not be considered a private recipient of government assistance under these circumstances, and the public interest standard would not apply.

Generally, for specific interpretations of existing regulatory requirements, any member of the public may contact the FMCSA Office of Policy or visit the FMCSA regulatory guidance Web site at *http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.aspx?section_type=G.*

E. Mandatory Electronic Filing

The SNPRM proposed the adoption of an exclusively online electronic registration system.[43] ATA endorsed requiring entities filing applications or updating their information with FMCSA to do so electronically. However, this commenter recommended that FMCSA establish a backup process for the mandatory electronic filing requirement, should the Agency's electronic system be temporarily unavailable for some reason, such as a natural disaster or terrorist attack.

FMCSA Response. The Federal government, including FMCSA, recognizes the need for emergency planning. FMCSA already builds in redundancies for its systems under its Continuity of Operations Planning (COOP) to prevent such failures. In accordance with National Institute of Standards and Technology (NIST) guidelines (NIST 800–34, Contingency Planning Guide for Information Technology Systems), the FMCSA IT Security Team will develop a Contingency Plan and Disaster Recovery Plan for the URS in the event that a disaster occurs to ensure the continuation of vital business processes. This plan will provide an effective solution that can be used to recover all vital business processes within the required time frame.

F. Biennial Update

FMCSA proposed to require electronic updates to Form MCSA–1 biennially.[44] MoDOT asked if FMCSA will automatically deactivate the USDOT Number (and revoke corresponding operating authority registration) of those entities that have not updated their MCS–150s within the 2-year requirement as of the final rule effective date. MoDOT believes that doing so would be extremely helpful in cleaning old data from the system.

FMCSA Response. The Agency will not automatically deactivate a USDOT Number for any entity currently registered within the system solely on the basis that it has not completed a biennial update requirement that may come due on the compliance date of the final rule. The Agency believes that such entities should first receive a warning regarding this regulatory change. Therefore, beginning November 1, 2013 (the compliance date of the revised biennial update provision), the Agency will issue a warning letter 30 days in advance of a biennial update deadline to notify the entity that its USDOT Number will be deactivated if it fails to comply with the biennial update requirement.

Only after an entity has failed to heed that warning will the Agency begin deactivating USDOT registrations for failure to update the information on Form MCSA–1 and consider imposing civil penalties. FMCSA, however, would not retroactively apply sanctions against entities that had not met the biennial update requirement by November 1, 2013.

G. Administrative Filings

1. Timeframe for Filing Changes to Name, Address

FMCSA proposed to require all entities to notify FMCSA of any changes to the information in Section A of Form MCSA–1 (e.g., a change in legal name, form of business, or address) within 20 days of the precipitating change.[45] ATA recommended retaining the current 45-day deadline for notification of such changes. In support of its request, ATA stated that because the nature of many of these changes (e.g., a change of address, change of business name, etc.) implies a disruption in the ordinary routines of a business entity, it may be unrealistic to expect such expeditious notification. This commenter also stated that the SNPRM proposed no changes to 49 CFR 365.413, regarding the procedure for motor carrier name changes.

FMCSA Response. Although ATA does not provide specific regulatory references to a 45-day notification requirement, the only current regulations containing such a requirement are §§ 365.509, 368.4, and 385.609. These regulations apply to motor carriers domiciled in Mexico or outside of North America.

In response to ATA's comments and for purposes of consistency, FMCSA amends all change reporting deadlines to 30 days after the date of the change event (*see* §§ 390.201(d)(4), 365.509(a), 366.6(b), 368.4(a), 385.405(d), and 385.609(a)(2)). FMCSA has added an additional 10 days to the update requirement and believes that a 30-day requirement is reasonable and would not be more disruptive to a carrier's business than the 45-day requirement proposed by ATA.

[43] *See* 76 FR 66506, 66519.

[44] *See* 76 FR 66506, 66594 (proposed 49 CFR 390.101(d)).

[45] *See* 76 FR 66506, 66586 (proposed 49 CFR 365.509(a)).

2. Financial Responsibility for Certain FTA Grantees

The SNPRM explained that for a passenger carrier that provides transportation within a transit service area located in more than one State under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under 49 U.S.C. 5307, 5310, or 5311, the minimum financial responsibility requirement is the highest level of financial responsibility required for any of the States in which it operates.[46] FMCSA explained that this aspect of the proposal was a consequence of 49 U.S.C. 31138(e)(4), which exempts section 5307, 5310, and 5311 grantees from the Federal general financial responsibility requirements and instead subjects them to applicable State requirements.

Greyhound expressed support for the proposed financial responsibility requirements for such FTA grantees, particularly the language added to the Form MCSA–1 Instructions that states that the FMCSA financial responsibility requirements ''do not apply to entities providing transportation service within a transit service area under an agreement with a Federal, State, or local government funded in whole or in part with a grant under 49 U.S.C. 5307, 5310, or 5311.'' However, Greyhound expressed concern that the proposed amendments to 49 CFR 387.33, *Financial responsibility, minimum levels,* only referred to entities that provide transportation services within a transit service area located in more than one State.[47] This commenter stated that it believes FMCSA's changes were intended to apply to transit operators whether they are operating in just one State or across State lines. Greyhound suggested that, because of the complexity of this issue, FMCSA should state clearly that it is using its authority under 49 U.S.C. 31138(e)(4) to authorize transit providers that operate in only one State, but participate in interline relationships with interstate carriers, to meet their FMCSA financial responsibility requirements by complying with the financial responsibility requirements of the State in which they operate. This commenter requested similar clarifying language to 49 CFR 387.33.

FMCSA Response. FMCSA has, at Greyhound's suggestion, added language to 49 CFR 387.33(b), as well as to 49 CFR 387.303, *Security for the protection of the public: minimum limits,* to clarify that FTA grantees providing service within a transit service area and are subject to the special insurance requirements of 49 U.S.C. 31138(e), are also subject to these requirements when they operate in a single State, but participate in providing interstate service by entering into interline agreements with interstate carriers. The instructions to Form MCSA–1 (Section K) have also been modified to incorporate this clarification, as requested by the commenter.

3. Financial Responsibility for Private HM Carriers

FMCSA proposed to require a private motor carrier hauling HM in interstate commerce to file evidence of financial responsibility with the Agency.[48] The NPRM explained that these carriers are already required by statute (49 U.S.C. 31138 and 31139) and regulations (49 CFR part 387) to obtain and maintain public liability insurance, and that the proposed change would merely require filing of evidence of financial responsibility with FMCSA.[49]

NPTC questioned the need to require private motor carriers transporting HM in interstate commerce to file evidence of financial responsibility with FMCSA as a condition for obtaining registration and believes the Agency offered no compelling policy reason for requiring private HM carriers to now file evidence of liability coverage. NPTC stated that currently, regulations permit private HM carriers to meet financial responsibility requirements by maintaining a copy of the HM liability endorsement (Form MCS–90) at the company's principal place of business, subject to review upon reasonable demand by enforcement officials. This commenter asserted that absent evidence of lack of compliance with liability insurance requirements, it sees no need to impose a new filing mandate on private motor carriers transporting HM.

FMCSA Response. Congress expressly authorized FMCSA to require a private motor carrier to file evidence of financial responsibility with the Agency (49 U.S.C. 31139; SAFETEA–LU section 4120). At this time, the Agency has elected to require only those private motor carriers that transport HM in interstate commerce to make these filings.

FMCSA believes that the potentially greater human toll and environmental consequences of HM-involved CMV incidents make it even more important to ensure that private HM carriers under its jurisdiction can adequately cover liabilities arising from such incidents as a condition for granting registration. Further, the filing requirement for private HM carriers would assure members of the public that such carriers have the financial means to compensate them for injuries or damages caused by negligence. These filings also would increase public accessibility to insurance information and would enable FMCSA to more effectively track insurance cancellations. This new requirement for private HM carriers will not impose a significant new burden because, as explained above, these carriers are already required to maintain public liability insurance. Filing evidence of insurance coverage with FMCSA, as opposed to maintaining evidence of coverage at the place of business, will require the filing of a form with the Agency.[50] FMCSA believes that this nominal cost for private HM carriers is warranted to achieve the benefits noted above. As discussed in the SNPRM, there will be a 3-month moratorium on enforcement of the filing requirement after the compliance date of this final rule. The moratorium would not apply to new applicants for USDOT registration. Therefore, the Agency is establishing the financial responsibility filing requirement for private HM carriers as proposed.

4. Blanket Agents

FMCSA proposed to expand its existing designation of process agent requirements to private and exempt for-hire carriers.[51] The Agency's designation of process agent regulations (49 CFR part 366) permit a carrier to fulfill its process agent designation requirements by listing an association or corporation that has filed with FMCSA a list of process agents for each State (blanket agent) on the required Form BOC–3.

OOIDA suggested that the designation of process agent requirements could be made more effective if motor carriers using a blanket agent are required to update the BOC–3 designation form along with the biennial update of the MCSA–1. OOIDA also noted that service of process on a motor carrier may be impeded if the motor carrier does not report address changes to the blanket agent, or if the blanket agent withdraws from offering process agent services without notice. This commenter pointed

[46] *See* 76 FR 66506, 66520.

[47] *See* 76 FR 66506, 66589 (proposed 49 CFR 387.33(b)).

[48] *See* 76 FR 66506, 66515, 66594 (proposed 49 CFR 390.103(a)(2)(ii)).

[49] *See* 70 FR 28990, 28997.

[50] *See* 49 CFR 387.15, *Forms.*

[51] *See* 76 FR 66506, 66525 and 70 FR 28990, 28999.

out that 49 CFR 366.5 permits a carrier to satisfy its process agent designation requirements by listing a blanket agent on its BOC–3, and that such listing could satisfy the carrier's designation requirement indefinitely, regardless of whether any relationship is maintained between the blanket agent and the motor carrier. OOIDA commented that the regulations would not ensure that a motor carrier's process agent designations are updated and accurate unless the biennial update requirement is also expanded to include the BOC–3 Form. Further, OOIDA stated that 49 CFR 366.6, *Cancellation or change,* is silent concerning the ability of the blanket agent to cancel the designation, and only allows the motor carrier to take such action.

FMCSA Response: The Agency has revised the final rule to accommodate this commenter's concerns. FMCSA agrees that the current service of process agent requirements should be modified to provide greater certainty that process agent designations are accurate and that process agents are able to receive and serve on their clients/principals notices in court or administrative proceedings on regulated entities. Accordingly, the Agency has revised 49 CFR 366.6 in several respects. First, in § 366.6(a), we have clarified that the process agent or blanket agent, in addition to the motor carrier, broker, or freight forwarder, may cancel or change a process agent designation by filing a new designation with the Agency. To help ensure that such designations are up to date, § 366.6(b) requires that changes to designations be reported to FMCSA within 30 days of the change. This will provide more timely notice of such changes than a biennial update requirement would and are consistent with other notifications of change required by the rule.

In response to OOIDA's concern that a process agent would be unable to serve notices on a motor carrier if the carrier does not notify the agent of a change of address, the Agency has added, in § 366.6(c), a new requirement that a motor carrier, broker or freight forwarder report changes in name, address, or contact information to its process agents and/or the company making a blanket designation on its behalf within 30 days of the change.

Finally, while FMCSA does not have jurisdiction over process agents and blanket agents, they should report to the Agency when their contract or relationship with the entity they represent terminates. Motor carriers, other entities we regulate, and the public depend upon these process agents and blanket agents to keep their information current. Thus, the Agency has added new § 366.6(d), which requires process agents and/or companies to provide FMCSA with a notice of termination within 30 days of the termination. FMCSA's Office of Registration and Safety Information currently authorizes blanket agents to submit process agent designations on behalf of regulated entities. Failure to keep process agent information up to date may result in the withdrawal of Agency authorization.

Overall, the amendments to the requirements in part 366 will help ensure that the process agent designation regulations serve their purpose of assisting members of the public seeking compensation for losses involving a CMV. Accurate process agent information from all parties to the transaction enables the public to serve process in lawsuits on the correct party in any State in which a motor carrier, broker, or freight forwarder operates. Additionally, FMCSA uses the information to locate hard-to-find carriers for compliance interventions and to serve notices for civil penalty enforcement actions, out-of-service orders, and other administrative proceedings. Therefore, these requirements will ensure that the Agency can properly enforce its regulations against violators.

H. Potential URS Impacts on Existing Systems and Programs

A few commenters expressed concerns about potential negative impacts of URS implementation on Federal/State partnership initiatives such as the UCR Agreement, the PRISM Program, the CSA Program, and the New Entrant Safety Assurance Program. FMCSA assures stakeholders that the Agency will consult with them in planning, developing and testing the new URS information system to prevent conflicts with such programs.

1. Impacts on PRISM Program

Inconsistent Motor Carrier Registration Data

MoDOT requested that FMCSA clarify how the proposed URS information requirements will impact the PRISM Program. In particular, MoDOT commented that information concerning carrier registration is passed to the States within the States' Commercial Vehicle Information Exchange Window (CVIEW) snapshot, and is used when companies plate their vehicles under the International Registration Plan (IRP). This commenter stated that inconsistent data when information is validated for the PRISM Program is confusing for the States and the industry.

FMCSA Response. PRISM ensures that a vehicle does not receive license plates without identification of the carrier responsible for the safety of the vehicle during the registration year. By using vehicle registration sanctions, PRISM serves as a powerful incentive for unsafe carriers to improve their safety performance. CVIEW data has various purposes while PRISM data specifically targets certain vehicles and motor carriers. FMCSA believes these data programs are complementary, not inconsistent.

PRISM Program States should transition to the Form MCSA–1 and the Agency will provide training to ensure seamless implementation. PRISM grant funds may also be available to provide financial assistance. Aside from use of the new Form MCSA–1 as described in this final rule, FMCSA does not anticipate that the changes to the URS will significantly impact the operations of the State's PRISM or CVIEW program. States participating in PRISM will continue to perform PRISM functions such as issuing USDOT Numbers, mandating the update to the MCSA–1, and applying vehicle registration sanctions when appropriate.

Type of Operation Classification on the MCSA–1 Form

MoDOT expressed concerns regarding how the practice of changing a carrier's interstate operation classification to intrastate when no interstate transportation has been performed would be affected by the proposed URS requirements. This commenter explained that the FMCSA Electronic Field Operations Training Manual (eFOTM) states that if a State attempts to perform a New Entrant Safety Audit and determines that the carrier has not performed any interstate transportation, the State should not perform a New Entrant Safety Audit, but instead should change the carrier's interstate operation classification to intrastate. The eFOTM further instructs States to tell the motor carrier to go online and change its operation from ''Intrastate'' to ''Interstate'' when it begins to operate in interstate commerce.

MoDOT also requested clarification regarding proposed 49 CFR 365.110, which stated that the operating authority will not become permanent until the applicant satisfactorily completes the New Entrant Safety Assurance Program. The commenter asked what would happen to a carrier's operating authority when no interstate transportation has been performed within a designated period of time and

the States are told not to perform a safety audit (per the eFOTM procedures). MoDOT asked whether States should be permitted to deactivate the USDOT Number if no interstate activity has been performed within a designated time frame and the State does not require a USDOT Number for intrastate operations. MoDOT further asked whether States should be allowed to perform the safety audit if the carrier intends to operate in interstate commerce in order to ensure that the company is ''ready'' and meets all requirements for operating in interstate commerce.

FMCSA Response. Currently, the eFOTM procedures direct a safety investigator/auditor not to conduct a safety audit if he or she learns the motor carrier has not yet begun interstate operations when the audit is being scheduled and to reclassify its interstate operation classification within the Motor Carrier Management Information System (MCMIS) to intrastate. The Agency is aware of this issue and will ensure it is not carried over into the URS, which will resolve other issues raised by MoDOT regarding the intrastate/interstate operation classification. Because the issue is not caused by the URS registration requirements, it is considered beyond the scope of the final rule and will be dealt with separately. The Agency is developing and will implement policies and procedures to address this unintended consequence of changing the operation classification for New Entrant Safety Assurance Program purposes. Any changes to the eFOTM that are needed will be made as the policies and procedures are developed, independently of this final rule.

Contradiction With PRISM Program State's International Registration Plan

MoDOT expressed concern about changing any requirement within the PRISM procedures to suspend a license plate when an application for USDOT registration is rejected during FMCSA's review because this could contradict the terms of the IRP. This commenter stated that depending on the timeframe of the vehicle registration and the reporting period, applicants may be allowed to operate within two different registration periods with estimated mileage only.

FMCSA Response. As has historically been the case, PRISM States impose vehicle registration sanctions when a motor carrier has been prohibited from operating by FMCSA, normally when an out-of-service order has been issued. An application rejected during FMCSA review, however, is not the result of an out-of-service order.

In this final rule, the applicant cannot begin operations or mark a CMV with the USDOT Number until after the date of the Agency's written notice that the USDOT Number has been activated. PRISM State vehicle registration sanctions will continue to apply only in those cases when FMCSA has issued an out-of-service order.

PRISM Program State Assistance With Electronic Filing

Given the electronic filing requirement for Form MCSA–1 under URS, MoDOT expressed concern about how it could help Missouri carriers with the new registration filing or biennial updates associated with the PRISM Program. MoDOT commented that it would not want to receive or input information from a paper application form to assist its customers in complying with the new registration requirement.

FMCSA Response. As noted above, PRISM Program States should update their IRP to comply with the new URS registration requirement, including mandatory electronic filing. The Agency continues to believe that mandatory electronic filing is feasible and would result in cost and time savings to both applicants and FMCSA.[52] In 2008, an estimated 78 percent of U.S. motor carrier new applicants electronically filed their initial registrations, and this number is projected to steadily increase to 88 percent by 2016.[53] Furthermore, the Internet is publicly accessible via libraries and other public facilities. FMCSA recognizes that this change could impose a burden on entities that do not have readily accessible means to file electronically or that do not wish to file electronically, and has estimated these costs in detail in the Regulatory Evaluation.[54] In future years, the FMCSA estimates that only 12 percent of applicants would be expected to still file by paper, if that option were available. The estimated cost savings of a mandatory electronic filing requirement that would accrue to other carriers and to the Agency is much greater than the costs to those carriers that would choose to continue to file by paper; mandatory electronic filing, therefore, is a cost effective requirement. The Agency sought, but did not receive comment on the SNPRM's Regulatory Evaluation's estimate of the impact of mandatory electronic filing.

2. Impacts on UCR Agreement

The SNPRM explained that Congress established the UCR Plan and Agreement to replace the SSRS for registration of interstate motor carriers with the States, and to ensure that States did not lose revenues derived from the SSRS.[55] The UCR Plan and Agreement established fee schedules under which States collect fees from carriers based on the number of qualifying CMVs in their fleets.

MoDOT pointed out unintended impacts of MCMIS and PRISM on the UCR Agreement and urged the Agency to address them within the URS final rule. For example, information on the Form MCS–150 is used to determine fees paid to the States under the UCR Agreement. MoDOT requested that FMCSA ensure that replacing Form MCS–150 with Form MCSA–1 would not jeopardize such fee determination.

OOIDA identified an existing problem that could inappropriately create a liability to pay UCR fees for a year when a carrier was not operating. Specifically, this commenter stated that when a carrier attempts to provide the data needed to reactivate suspended or inactive authority, the current system will not allow the numerical value of ''0'' (zero) miles to be inputted for the previous year even where there has been no activity. The carrier must input a value of ''1'' mile in order for the system to accept the application. Having to make any mileage declaration could create a liability to pay UCR fees for a year where there was no operation. OOIDA recommended allowing carriers to enter zero miles in the data field to resolve the issue.

FMCSA Response. The Agency has revised Form MCSA–1 to ensure that replacing Form MCS–150 with Form MCSA–1 will not jeopardize fee determination under the UCR Agreement. A Federal statute, 49 U.S.C. 14504a(f)(3), allows States to use the Form MCS–150 as a source of information about the number of vehicles in a motor carrier's fleet for purposes of determining a carrier's fees under the UCR Agreement. The number of CMVs owned or operated for the purpose of determining the level of fees charged for registering with the UCR Plan is either ''the number of commercial motor vehicles the [carrier] or freight forwarder has indicated it operates on its most recently filed MCS–150 or the total number of such vehicles it owned or operated for the 12-month

[52] *See* section 3.2 of the Final Regulatory Evaluation of the Unified Registration System, which is available in the docket, for a discussion of the costs and benefits of the mandatory electronic filing.

[53] *See* Appendix A of the Final Regulatory Evaluation of the Unified Registration System, which is available in the docket.

[54] *Id.*

[55] *See* 76 FR 66506, 66507.

period ending on June 30 of the year immediately prior to the registration year of the Unified Carrier Registration System.'' [56] The new Form MCSA–1 is the functional equivalent of the MCS–150. FMCSA construes the reference at the end of the statutory quote above to the ''Unified Carrier Registration System'' as the UCR Agreement because the Unified Carrier Registration System (which FMCSA calls the URS) does not have a registration year.

The Agency has revised Form MCSA–1 to collect information about the number of vehicles in an applicant's fleet that are used solely in intrastate commerce. *See* Form MCSA–1, Section B, question 22(d). This revision is in response to comments from MoDOT about disparities in data reported by motor carriers during UCR Agreement and FMCSA registrations with regard to fleet size and suggestions for improving the ability to reconcile these inconsistencies. FMCSA believes this change will improve the ability to determine fees for the UCR Agreement pursuant to 49 U.S.C. 14504a(f)(3). This new entry will not increase the information collection burden on applicants because they are able to estimate with reasonable accuracy the number of vehicles operating in interstate and intrastate commerce, respectively.

With respect to the mileage issue, the Agency is modifying its systems to accept a value of ''0'' (zero) in the mileage field and to require motor carriers to report vehicle miles traveled (VMT) data for the previous 12 months rather than for the previous calendar year. The MCSA–1 Instructions (question 21) have been modified accordingly. These changes are being implemented outside of this rulemaking process.

I. Transfers of Operating Authority and Concerns About Reincarnated Carriers

In the SNPRM, the Agency proposed to eliminate 49 CFR part 365, subpart D, governing transfers of operating authority.[57] FMCSA reasoned that ICCTA removed the Agency's statutory authority to approve transfers of authority and did not prohibit such transfers.

TIA expressed support for the proposed elimination of 49 CFR part 365, subpart D. However, TIA cautioned against simplifying the application and registration process to the point it would increase reincarnated carriers. TIA commented that FMCSA must be careful to establish the application and registration process in a way that will address certain abuses that have arisen under the current system, and that retains adequate protections for the shipping public. TIA requested that the Agency continue to allow MC Numbers to reflect a broker's business history. To prevent churning of operating authorities by unscrupulous or fraudulent operators, TIA encouraged FMCSA to take steps to conduct a thorough review of repeat applications by carriers or brokers filed within the same year to create an active database of companies. This commenter suggested that the Agency link the URS or other registration requirement with operating authority. Finally, to further prevent churning and confusion in the marketplace, TIA suggested that FMCSA prohibit the sale of authority numbers outside the sale of the company.

FMCSA Response. The ICCTA repealed 49 U.S.C. 10926, which gave the Interstate Commerce Commission (ICC) specific authority to review and approve transfers of operating authority which historically was assigned to non-exempt and for-hire motor carriers, brokers, and freight forwarders. However, FMCSA has never allowed and will continue to disallow transfers of USDOT numbers which have been issued for safety-related registration and now will become the unique identifier for FMCSA-regulated entities. The commenter, however, brought up legitimate concerns about potential carrier safety record-related impacts of the URS combining commercial operating authority and safety registration under the same USDOT Number.

Although ICCTA removed the Agency's authority under former 49 U.S.C. 10926 to approve transfers of authority, it did not prohibit FMCSA from requiring notice of transfers. The Agency's statutory authority permits it to obtain information from carriers and brokers, and from the employees of such entities, that FMCSA decides is necessary to carry out its regulatory responsibilities.[58]

This rule will result in the development of a registration system that combines information associated with the Agency's safety and commercial registration systems in a way that does not exist today. FMCSA believes that combining these separate Agency information systems into the URS will improve the Agency's ability to detect and prevent unscrupulous motor carriers that reinvent themselves to avoid compliance with regulations and enforcement actions. The Agency believes it can identify these reincarnated carriers despite discontinuing issuance of the MC Numbers because a motor carrier's safety history is associated with its USDOT Number, not its MC Number. All for-hire motor carriers that have MC Numbers and are subject to the Agency's safety jurisdiction also have USDOT Numbers.

Today, the Agency uses several screening algorithms to identify potential reincarnated carriers, which will continue under the URS. For example, the Agency already has implemented a New Applicant Screening (NAS) Process. The Agency currently uses the NAS to provide additional scrutiny to all applications involving passenger carrier and household goods (HHG) authority. However, without a transfer notification requirement, this and other protections discussed in the SNPRM may be insufficient to quickly identify reincarnated carriers. Absent a notification requirement, a carrier's operating authority could change hands through the sale of a company, and the safety history of the transferor company could be lost if the transferee company already has its own USDOT Number that it will continue to use with its newly acquired operating authority. This would result in a loophole that would allow a carrier to avoid a bad safety history by obtaining a new USDOT Number and shedding its old USDOT Number and poor safety history.

In response to the concerns expressed by TIA, therefore, the Agency has decided to require, in new § 390.201(d)(5), that a person who obtains operating authority through a transfer, as defined in part 365, subpart D, notify FMCSA of the transfer within 30 days of consummation of the transaction by filing either an updated Form MCSA–1 or a new Form MCSA–1, if the transferee did not have an existing USDOT Number at the time of transfer. Section 390.201(d)(5) also requires the transferor to file an updated Form MCSA–1 to notify FMCSA of the transfer, which will allow the Agency to maintain accurate records of entities' operating authorities. When providing the transfer of operating authority information on an updated Form MCSA–1, a transferee or transferor would check ''Notification of Transfer of Operating Authority (Both Transferor and Transferee)'' as the reason for filing, and the information that the online Form MCSA–1 will require is the name, address, phone number, and USDOT Numbers of the transferor and transferee. They will also need to scan

[56] *Id.*

[57] *See* 76 FR 66506, 66519.

[58] 49 U.S.C. 13301(b).

and provide an electronic copy of the operating authority being transferred.

The information provided with a notification of transfer of authority will ensure that the Agency's IT systems are up to date and that the safety history associated with a carrier's operating authority and its associated USDOT Number remains connected with that operating authority, regardless of any changes in the entities that own that operating authority. FMCSA is also revising part 365, subpart D, to specify the procedures for motor carriers, property brokers, and freight forwarders to report to FMCSA transactions that result in the transfer of operating authority. Section 365.403(a) defines transfer as ''any transaction in which an operating authority issued to one person is taken over by another person or persons who assume legal responsibility for the operations. Such transactions include a purchase of all or some of the assets of a company, a merger of two or more companies, or acquisition of controlling interest in a company through a purchase of company stock.'' Section 365.403(c) defines person as an ''individual, partnership, corporation, company, association, or other form of business, or a trustee, receiver, assignee, or personal representative of any of these entities.'' Finally, § 365.405 references § 390.201(d)(5) and specifies that both the transferor and the transferee must supply the full name, address, and USDOT Numbers of the transferor and transferee (if the transferee has a USDOT Number), as well as a copy of the operating authority being transferred.

The Form MCSA–1 and Instructions have been revised to accommodate a filing for purposes of notification of transfer of operating authority (*see* section O). In particular, the Agency has added an additional reason for filing: ''Notification of Transfer of Operating Authority (Transferor or Transferee),'' which will have no associated fee. If a person filing the Form MCSA–1 checks this reason, the user will be directed to Section O (Notification of Transfer of Operating Authority). The applicant will first be asked whether it is a transferor or a transferee. If the applicant is a transferee, the applicant will be prompted to confirm whether or not it has a USDOT Number. If the transferee does not yet have a USDOT Number, the applicant will be re-directed to Section A, and the applicant will be required to fill out all applicable sections of the Form MCSA–1 as a new applicant.

If the transferee has an existing USDOT Number, and in all cases for the transferor filing the MCSA–1 for purposes of notification of transfer of operating authority, Section O will prompt the applicant to enter the name, address, contact information, and USDOT Number for both the transferor and the transferee. As it does with all new applicants for a USDOT Number, the Agency will determine whether the transferee is willing and able to comply with applicable regulatory requirements, and will ensure that the transferee has satisfied all applicable administrative filing requirements, before activating the transferee's USDOT Number. The Form MCSA–1 Instructions have been revised to explain the new reason for filing and to direct transferors and transferees on how to enter data in Section O.

J. Reinstatement of Operating Authority

Related to issues of churning operating authority by reincarnated carriers, TIA also urged FMCSA to prohibit the practice of reinstating authority numbers that have been inactive for more than 12 months. This commenter cited data from Internet Truckstop that 22 percent of reinstated MC Numbers were not reinstated by the original owner (i.e., that they had been purchased by a different company). TIA stated that any change in ownership usually flags a change in the company's methods of operation and business practices, quoting an Internet Truckstop report. For these reasons, TIA recommended that entities should be prohibited from purchasing and reinstating a retired MC Number, unless someone purchases the entire company. TIA urged FMCSA to completely retire MC Numbers and USDOT Numbers that have been out of service for more than 12 months.

FMCSA Response. As was stated in the SNPRM, FMCSA no longer has authority under former 49 U.S.C. 10926 to approve transfers of operating authority. However, the final rule requires motor carriers and other regulated entities to notify FMCSA of any transactions that may directly or indirectly result in the transfer of operating authority (*see* section V.I). This notification requirement will help FMCSA keep track of possible churning of operating authority registrations by unsafe carriers. Operating authority or a USDOT Number may become inactive for legitimate business reasons. For example, a small carrier may decide to lease its vehicles and drivers to another authorized carrier for a period of time rather than operate under its own MC or USDOT Number because it may be economically beneficial to do so. Or, a carrier that may have decided to operate solely in intrastate commerce may subsequently resume operations as an interstate carrier. FMCSA believes that adopting TIA's proposal to permanently ''retire'' MC and USDOT Numbers that have been inactive for more than 12 months, thus requiring carriers to apply for new numbers and re-enter the new entrant program, would be unduly burdensome for carriers that have legitimate reasons for temporary deactivation.

K. Unauthorized Re-Brokering of Freight

The SNPRM proposed that URS apply to property brokers because section 4302 of SAFETEA–LU requires the Federal on-line replacement system to ''serve as a clearinghouse and depository of information on, and identification of, all foreign and domestic carriers, motor private carriers, brokers, freight forwarders, and others required to register with the Department of Transportation . . .'' [59] TIA asked FMCSA to issue separate operating authority numbers to entities operating as both motor carriers and property brokers so that the Agency could prevent unauthorized re-brokering of freight, and to enable shippers to know which type of entity they are dealing with at the time of arranging for the transportation of cargo. This commenter asserted that many motor carriers currently operate under the misperception that registering as a motor carrier entitles them to broker freight to other motor carriers when they cannot handle it themselves.

TIA commented that the unauthorized re-brokering of freight has led to many commercial problems for its member brokers. Further, TIA stated that when undisclosed re-brokering of freight occurs, carriers with poor safety histories—often those that would have never been chosen by the shipper or broker—can remain in business and circumvent the safeguards intended to discourage the use of unsafe carriers. Thus, TIA reasoned that unauthorized re-brokering of freight by motor carriers also frustrates the efforts of government and the industry to promote the use of safe carriers.

TIA commented that the proposed URS and Form MCSA–1 would perpetuate the confusion caused by the current FMCSA registration system (inherited from the ICC) by permitting an entity to use a single registration process to apply for authority as both a carrier and broker, and by using a single USDOT Number to cover them both. This commenter asserted that this characteristic of the registration system makes it impossible for the party

[59] 49 U.S.C. 13908(b); *see* 76 FR 66506, 66512.

tendering the cargo to be sure which operating authority the carrier is choosing to exercise. Therefore, TIA urged FMCSA to require separate applications for motor carrier, broker, and freight forwarder authority, and to assign different USDOT Numbers for motor carrier and broker authority, even when they are held by the same entity.

FMCSA Response. A ''broker'' is a party who, for compensation, arranges, or offers to arrange the transportation of property by an authorized motor carrier.[60] When shipments are transported by motor carriers, both the carrier and the shipper may use brokers as agents in connection with the movement of goods. Currently, entities may hold authority to operate as both a motor carrier and a broker, either under their own name or through affiliated companies.

Prior to enactment of MAP–21, separate broker authority was not necessarily required for motor carriers to lawfully tender freight to other motor carriers for transportation, provided the motor carrier arranged for the transportation of shipments which they are authorized to transport and which they have accepted and legally bound themselves to transport.[61] Section 32915 of MAP–21 amended 49 U.S.C. 13902 to prohibit a motor carrier from providing broker services unless it first registers as a broker under 49 U.S.C. 13904.

Section 32914 of MAP–21 also amended 49 U.S.C. 13901 to require distinctive USDOT Numbers for each type of authority issued. For example, an entity applying for both broker and motor carrier authority would receive a different USDOT Number for each type of authority. This MAP–21 provision also requires that the USDOT Number include an ''indicator'' of the type of authority issued. FMCSA will address these MAP–21 requirements in a separate rulemaking, at a later date.

L. Americans With Disabilities Act (ADA) Compliance

Greyhound stated that FMCSA continues to refuse to make compliance with the ADA an issue to be considered before registering motor carriers of passengers. Greyhound commented that enactment of the Over-the-Road Bus Transportation Accessibility Act of 2007 (OTRB Act), Public Law 110–291, requires FMCSA to assess an applicant's willingness and ability to comply with DOT's ADA regulations at 49 CFR part 37, subpart H in the same way the Agency considers the applicant's ability to comply with other applicable regulations, such as those pertaining to safety and financial responsibility. Greyhound commented that FMCSA must gather sufficient information to make the basic ADA fitness determination.

Greyhound also requested that FMCSA modify the equipment list requirements on page 6 of the proposed Form MCSA–1 to ensure that all fixed-route operators comply with requirements regarding lift-equipped vehicles or provision of equivalent service, as applicable. Greyhound also urged that New Entrant Safety Audits be expanded to include questions regarding compliance with lift-equipped vehicle requirements for both demand responsive and fixed-route passenger carriers.

FMCSA Response. Although the OTRB Act required FMCSA to consider an applicant's willingness and ability to comply with DOT's ADA regulations in determining whether to grant its application for operating authority, it did not mandate a particular means of doing so. Section G of Form MCSA–1 requires passenger carrier applicants to certify that they are ''fit, willing, and able to comply with all pertinent statutory and regulatory requirements, including the U.S. Department of Transportation's Americans with Disabilities Act regulations for over-the-road bus companies located at 49 CFR part 37, subpart H, if applicable.'' After explaining differences in terminology between the part 37 regulations and FMCSA regulations, the Form directs the applicant to the Agency's Web site for a general overview of the Department's ADA regulations. This certification is more specific than the certification in Section M of Form MCSA–1, in which all applicants must certify that they are willing and able to comply ''with all pertinent statutory and regulatory requirements and regulations issued or administered by the U.S. Department of Transportation, including operational regulations, safety fitness requirements, motor vehicle safety standards and minimum financial responsibility, and designation of process agent requirements.'' Thus, at the application stage, the Agency will assess an applicant's willingness and ability to comply with ADA requirements through self-certification. If a member of the public or a potential competitor has evidence that an applicant is not willing and able to comply with DOT's ADA regulations, they may raise this issue in a protest to the application filed in accordance with 49 CFR part 365, subpart B.

Regarding the modification of the equipment list requirements, FMCSA believes that the certification in Section G of Form MCSA–1 complies with the OTRB Act and that it is unnecessary to require applicants to include detailed ADA compliance information on the application form. FMCSA indicated in the SNPRM that it would verify ADA compliance during the New Entrant Safety Audit stage. New Entrant Safety Audits are generally conducted within 9 months after a new entrant for-hire passenger carrier is issued operating authority registration and in the future will be conducted within 120 days as required by MAP–21. At this time, the Agency will probe into the carrier's ADA compliance. Although it is beyond the scope of this rulemaking, the Agency will consider augmenting the New Entrant Safety Audit to include verifying compliance by both fixed-route and demand responsive passenger carriers with the fleet standards and/or equivalent service standard contained in 49 CFR 37.183 and 185.

If noncompliance with DOT's ADA regulations is discovered in the course of the safety audit or a Compliance Review, FMCSA will, in accordance with a Memorandum of Understanding with the U.S. Department of Justice (DOJ), either forward the information to DOJ for appropriate action or conduct its own investigation and attempt to resolve the violations. We believe that these procedures are sufficient to meet the Agency's obligations under the OTRB Act.

M. Other Suggested Revisions to MCSA–1 Form and Instructions

OOIDA, ATA, NTTC and MoDOT proposed extensive corrections, revisions and enhancements to the proposed form and instructions. In this section, the Agency discusses comments on the MCSA–1 Form and Instructions not otherwise addressed above. FMCSA has made corrections to the typographical errors that commenters pointed out.

General

Applicants Accustomed to MCS–150 Terms and Instructions

ATA commented that where an existing form, such as the MCS–150, has been in use for years, and those filing it have become accustomed to the form and its instructions, it may be advisable, whenever possible, to continue to use the same language as the existing form, and the same instructions.

FMCSA Response. The Agency acknowledges that some of the terms used in Form MCSA–1 are new and unfamiliar to entities that do not require operating authority. However, these

[60] 49 U.S.C. 13102(2).

[61] 49 CFR 371.2(a).

entities will need to provide only information pertinent to their specific operations. FMCSA will strive to make the online system and instructions as clear as possible when designing and implementing the new system, and will provide examples to clarify registration processes whenever feasible.

Use of the Word ''Applicant''

ATA commented that although the MCSA–1 Form is a multi-purpose form, throughout the form and instructions the filer is referred to as the ''applicant,'' although only a minority, perhaps a small minority, of filers would be applicants for operating authority registration. ATA commented that the result would be confusion for those other than applicants, as such entities would be uncertain as to what parts of Form MCSA–1 apply to them. This commenter recommended that the Form MCSA–1 and Instructions use a more general, neutral term, such as ''filer.''

FMCSA Response. The Agency disagrees and is retaining the use of the word applicant in Form MCSA–1 and the Instructions. Under the URS, every entity under FMCSA jurisdiction is considered an applicant for registration, not just those requesting operating authority. We recognize, however, that some existing entities will also file changes to their name, address, form of business, and/or updates to their registration information on the Form MCSA–1, but they too will be considered as ''applicants'' requesting a change or update in their registration data. Because the Agency wants to ensure that the information entered on Form MCSA–1 pertains to the entity seeking registration or other appropriate actions and not a third-party filing company, FMCSA believes the use of a more general term (such as ''filer'') would be inappropriate. All entities must indicate their ''Reasons to File'' the Form MCSA–1. Because the Form MCSA–1 is electronic, entities will be directed to the appropriate sections that need to be completed once they indicate their reason for filing. This aspect of the URS will eliminate any uncertainty as to what parts of Form MCSA–1 apply to entities filing the form. Accordingly, the Agency will use the term ''applicant,'' rather than filer, throughout the URS rule, the Form MCSA–1, and the Instructions. In addition, sec. 32105 of MAP–21, which adds new section 31134 to Title 49, U.S. Code, requires persons subject to the Agency's safety jurisdiction to submit an ''application'' to receive a USDOT Number. The universe of ''applicants'' is therefore not limited to persons seeking operating authority registration.

References to Federal Statutes or Regulations

ATA pointed out that on the first page of the proposed Instructions for Form MCSA–1, in the line immediately above the bullet points, a reference is made to ''interstate commerce as defined in 49 CFR 390.5.'' The commenter asserted that this sort of technical reference would not be encouraging to unsophisticated applicants as they begin to engage with this already intimidating form. Further, ATA commented that if applicants do read the referenced regulation, they may be misled again, to believe that interstate commerce only includes movements by vehicles that cross state lines. This commenter stated that, in general, references to Federal statutes or regulations will rarely be helpful.

FMCSA Response. Generally, the Agency cites Federal regulations and statutes in the Form MCSA–1 and Instructions because cross referencing these sources is more efficient than spelling out definitions and requirements throughout these documents and the statutes and regulations provide the basis for applicable registration requirements. Inserting language from the statutes or regulations would require changes to the MCSA–1 Form and/or Instructions whenever modifications were made to the statutory or regulatory language. However, in the interest of making the instructions easier to understand, the Agency has included additional clarifications wherever feasible.

NTSB Recommendation H–11–1: Collecting Additional Cargo Tank Information

As noted in the SNPRM, in 2009 the National Transportation Safety Board (NTSB), as part of its accident report concerning a 2009 crash involving a cargo tank vehicle, recommended that FMCSA revise the MCS–150 Form to require HM carriers to report the number of types of USDOT specification cargo tanks (i.e., cargo tank vehicles designed and self-certified by the vehicle manufacturer as meeting the applicable PHMSA standards for use in transporting HM) owned or leased by the carriers and provide other pertinent data displayed on the specification plates of such tanks (Recommendation H–11–1).[62] NTSB recommended that FMCSA require this information to be updated annually. In the SNPRM, the Agency sought comments on this NTSB recommendation.[63] NTTC quoted this NTSB recommendation, noting that NTSB recommended that data be collected from all intrastate and interstate carriers. No other commenter addressed NTSB Recommendation H–11–1.

FMCSA Response. The FMCSA acknowledges the intent of the NTSB recommendation but the Agency has opted not to include a requirement in the URS final rule for the collection of the cargo tank vehicle information recommended by the NTSB. Based on FMCSA's experience working with PHMSA and the cargo tank industry to address safety issues, and our understanding of the role of crash investigations or inquiries in identifying likely causes or contributing factors of crashes and HM incidents, the Agency does not need the cargo tank vehicle data in question.

First, the fact that a specification cargo tank vehicle was involved in a recordable crash would not in and of itself trigger a need for industry-wide tank vehicle data. In the absence of a crash or incident involving the unintended release of HM, and a subsequent investigation of the cause of the release of the material, the industry-wide data would serve only as a census of cargo tank vehicles used to transport HM. This census would not cover tank vehicles used to transport other materials even though such vehicles would be susceptible to crashes. FMCSA would know the total number of specification tank vehicles in use but there would be little if any analytical value concerning the risks of future crashes. FMCSA notes that through its existing motor carrier reporting requirements, which are continued through this rulemaking, the Agency has access to information on the identity of interstate motor carriers transporting HM in quantities requiring placards, which includes the interstate carriers operating specification cargo tank vehicles that are the subject of the NTSB's interest.

Second, if there is a crash or incident involving the unintentional release of HM and the investigation or inquiry suggests that a design, fabrication, or maintenance issue may have contributed to the release of the HM, FMCSA and PHMSA already have the tools needed to effectively address the issue(s) without imposing a new information collection burden on the transportation industry. If there is a concern that a cargo tank vehicle from a specific manufacturer may not comply with PHMSA's standards, the

[62] *See http://www.ntsb.gov/investigations/summary/HAR1101.html* (last accessed July 30, 2012).

[63] *See* 76 FR 66506, 66522.

subsequent investigation would determine whether the problem is with the fabrication and/or maintenance of the specific tank vehicle involved in the crash or incident; involves multiple cargo tank vehicles produced by the same manufacturer; involves multiple cargo tanks serviced by the same repair facility; involves multiple cargo tanks operated by the same carrier; or, involves multiple manufacturers' cargo tanks in the specification series. The Department does not need the information collection for these scenarios to address the issue because FMCSA and PHMSA would work with the cargo tank manufacturers and repair facilities to take appropriate actions to resolve the safety concerns. FMCSA and PHMSA would work with the manufacturers and repair facilities involved to gather up-to-date information on how many specification tank vehicles had been sold or serviced and which customers were operating those vehicles.

In the event the investigation suggests flaws with one or more manufacturers' specification tank vehicle series, the agencies would work together to inform the cargo tank industry (manufacturers, registered repair facilities, and carriers) and the enforcement community of the problem and what actions should be taken to address the problem. For example, FMCSA could issue a safety bulletin or alert, or publish a **Federal Register** notice announcing the discovery of the non-compliant tanks. The Agency has taken a similar action in the past to alert carriers to safety problems and to direct them to immediately discontinue use of the unsafe cargo tanks until repairs and recertification were completed.

And, if necessary, the agencies would work together to determine what regulatory actions may need to be considered to provide a long-term solution. As with the previous scenarios, the NTSB's recommended information collection burden would not have provided any practical information useful in addressing the problem.

If there is a problem with the actual regulatory standard for a specification series, i.e., the manufacturers' tank designs conform to the PHMSA standards in effect on the date of manufacture but the standards for that series need to be upgraded, the collection of data does not help FMCSA and PHMSA because the agencies do not have a practical means with which to address such problems short of conducting a rulemaking to require or prohibit certain actions by manufacturers, repair facilities, and carriers. At the point the agencies consider a rulemaking, FMCSA and PHMSA could query the vehicle manufacturers to obtain cargo tank vehicle data needed to support the preparation of rulemaking documents. The information collection burden recommended by the NTSB would therefore be unnecessary.

For the reasons given above, the Agency excludes from the final rule the collection of cargo tank data from motor carriers. The Agency will formally notify the NTSB in writing to request closure of the recommendation. NTTC's specific comment relating to URS applicability to intrastate HM carriers was addressed in section V.D.2.

Other Comments About the MCSA–1 Form

Section A, MC, MX, and FF Number(s)

MoDOT recommended that proposed question 10, in Section A of Form MCSA–1 should be deleted if all entities registered under the URS are to be identified solely by the USDOT Number. Proposed question 10 required the applicant to list MC, MX, and FF Number(s) (if updating).

FMCSA Response. The Agency agrees with MoDOT and has removed question 10 from Form MCSA–1 because regulated entities will be identified solely by USDOT Number. However, applicants must disclose MC, MX and FF Numbers concerning business relationships and affiliations with other entities registered with FMCSA (or its predecessor agencies) in response to question 43 of Form MCSA–1 because the Agency will use the information to deter reincarnated carriers as discussed in this section under ''Section K, Disclosure of Relationships with other FMCSA-regulated Entities.''

Section A, Form of Business

Proposed question 13 (Form of Business) in Section A asked an applicant to indicate its form of business by checking all of the following that apply: Sole Proprietor, Partnership, Limited Liability Company, Corporation, or Unit of State or Local Government. MoDOT recommended that FMCSA change the instruction for a Sole Proprietor. MoDOT commented that under the IRS definition, ''[a] sole proprietor is someone who runs an unincorporated business by himself or herself.'' The proposed instructions read ''Sole Proprietor—Individuals who operate a business in their own name.'' MoDOT stated that this gives the impression that more than one individual could be included as a sole proprietor. Therefore, this commenter recommended that the instruction be changed to read: ''Sole Proprietor—An individual who operates a business in his or her own legal name.''

MoDOT further recommended that question 13 include ''Limited Liability Partnerships and Trusts'' as an option to check for form of business. ATA questioned why question 13 (Form of Business) instructs the applicant to ''select all that apply.'' This commenter asked how more than one could apply.

FMCSA Response. In response to MoDOT's request, the Agency added the requested business forms, ''Limited Liability Partnerships'' and ''Trusts,'' as well as a data field marked ''Other'' for question 12 (formerly question 13). The instructions to question 12 include definitions for ''Limited Liability Partnership'' and ''Trust'' and instruct the applicant to use the data field marked ''Other'' to indicate any business forms not listed on the application. The term ''*Limited Liability Partnership (LLP)''* is defined as a ''partnership in which some or all partners (depending on the jurisdiction) have limited liability. In an LLP, no partner is responsible or liable (directly or indirectly) for an obligation of the partnership due to another partner's misconduct or negligence, thus shielding innocent members of these partnerships from liability.''

The term ''*Trust''* is defined as a ''relationship whereby property (real or personal, tangible or intangible) is transferred by one party (settlor) to be held by another party (trustee) for the benefit of a third party or parties (beneficiary(ies)). In effect, a trust is a legal device designed to provide financial assistance or something of value to someone without giving the person total control over the trust assets. It may be revocable or irrevocable, express or implied. The trustee owes a fiduciary duty to the beneficiaries (the beneficial owners of the trust property) and is obligated to administer the trust in accordance with both the terms of the trust and the governing law.''

Additionally, the Agency has revised the definition of ''*sole proprietor''* in the Form MCSA–1 Instructions to read: ''An individual who owns and operates a business normally in his or her legal name and in which there is no legal distinction between the owner and the business. In some jurisdictions the proprietor can use a trade name or business name other than his or her legal name, but the individual is also required to file a 'doing business as (dba)' statement with local authorities. Every asset of the business is owned by the proprietor and all debts of the business are his or hers as well.''

Regarding the direction that applicants ''select all that apply,'' we agree with ATA that only one form of business or company structure should apply here. Because the form of business or company structure may vary, each legal entity should have its own USDOT Number identifier. Accordingly, we have replaced the phrase ''select all that apply'' on question 12 of the MCSA–1 Form with ''select the one business form that applies.''

Section A, Gross Annual Revenue

ATA commented that on page 8 of the proposed MCSA–1 Instructions, and on page 3 of the proposed MCSA–1 Form, the applicant is to enter its ''gross annual revenue'' (proposed Form MCSA–1 question 16). This commenter stated that this is a new requirement not proposed in the NPRM. ATA questioned what purpose such a requirement could serve. ATA stated that private motor carriers are, by definition, engaged primarily in businesses other than transportation, and many motor carriers operate ancillary businesses as well. Further, ATA commented that many businesses rightly regard gross revenue data as proprietary. ATA asserted that a requirement to provide gross annual revenue is unwarranted without a full explanation of a valid regulatory purpose, which FMCSA has not provided. This commenter recommended that the MCSA–1 Form remove the requirement to enter this information.

FMCSA Response. The Agency has revised the Form MCSA–1 and Instructions to no longer require information about an applicant's ''gross annual revenue.'' FMCSA, however, may revisit this issue in the future.

Section B, Mileage

MoDOT requested that FMCSA clarify the instruction for proposed question 23 (Mileage) to make clear who reports the mileage of vehicles owned by the applicant but leased by the applicant to another carrier, versus vehicles leased by the applicant from others to use in the applicant's business. The proposed instruction read: ''Estimate the miles traveled by applicant's [CMVs] during the last calendar year. It makes no difference if the CMVs were leased by the applicant or owned by the applicant. . . .'' MoDOT commented that this proposed instruction appears to cover all the vehicles owned by the applicant, whether or not used by the applicant.

FMCSA Response. The Agency agrees with MoDOT that the proposed question 23 instruction (question 21 instruction in the final rule) should be clarified to require reporting the mileage of all CMVs used in the applicant's operations. The question 21 instruction has been revised to read:

> Enter the total mileage of all [CMVs] to the nearest 10,000 miles operated by the applicant for the previous 12 months (whether leased or owned). If the applicant has been in operation for less than 12 months, enter mileage operated to date. If the applicant has not operated within the last 12 months, enter the number ''0.''

The Agency has also similarly modified question 21 on the MCSA–1 Form. FMCSA has also eliminated the ''Calendar Year'' entry field from the MCSA–1 Form because the Agency has decided to request carrier mileage operated in the previous 12 months.

Section B, Number of Vehicles

MoDOT requested that FMCSA add further information to the Form MCSA–1 Instructions for question 24(a), which requires applicants to list the number of vehicles with weights greater than or equal to 10,001 pounds that it will operate in the United States. This commenter requested that the Agency make the instruction absolutely clear what vehicles are to be counted and included in this section. For a motor carrier that owns and leases some of its vehicles to other motor carriers, MoDOT asked whether the owner or the lessee is responsible for reporting those vehicles. MoDOT commented that without clarification, vehicle counts may be reported twice, once by the owner and once by the lessee.

MoDOT also commented that while question 24(c) requires applicants to list the number of vehicles with weights greater than or equal to 10,001 pounds that it will operate in interstate commerce, nothing in the question 24(a) instructions indicates that vehicles listed under 24(a) include operations in intrastate and interstate commerce. This commenter recommended that similar language be used within an item in order to be consistent and to easily understand the difference between questions 24(a) and 24(c). MoDOT commented that the proposed question 24 instructions were not clear and gave the impression that question 24(c) was requiring the total number of vehicles shown in (a), which it may not be.

FMCSA Response. The Agency agrees with MoDOT that the proposed question 24 instructions may be confusing. For this reason, and for other reasons explained below, the Agency is revising proposed question 24 (renumbered question 22 in the final rule) on both the Form MCSA–1 and on the Form MCSA–1 Instructions. As explained above in section V.D.5, beginning on or about September 1, 2012, FMCSA discontinued issuing USDOT Numbers to non-motor carrier leasing companies and such companies would not fill out Form MCSA–1.

When responding to renumbered question 22, applicants should provide the number of each type of CMV that the company uses in its U.S. operations broken out by the method used to acquire the vehicle (owned, term-leased or trip-leased). Owned means the company holds title to the CMV, term leased means the vehicle is leased for a specific time period or term of contract, and trip leased means the CMV is leased on a trip-by-trip basis as needed. If the company owns or leases a school bus, mini-bus, passenger van, or limousine, then it would indicate the number of each type of passenger-carrying CMV (by its passenger-carrying capacity) that is owned, term leased or trip leased. For passenger-carrying vehicles, it would count the driver as a passenger when determining a vehicle's passenger-carrying capacity.

The Agency amends renumbered question 22 on the Form MCSA–1 and Instructions by adding a section (d) to require applicants to provide the number of vehicles that are operated or will be operated solely in intrastate commerce, while section (c) continues to require applicants to provide the number of vehicles that operate interstate. The instructions to question 22(a) (proposed question 24(a)) have been clarified to explain that a CMV is ''operated'' for purposes of this question ''if the vehicle is registered under Federal or State law, or both, in the name of the carrier, or is controlled by the carrier under a trip lease or long-term lease agreement (more than 30 days) during any given year. If a freight forwarder operates CMVs, it is also required to enter its fleet size on the MCSA–1 Form. Both a motor carrier and a freight forwarder (if operating CMVs) must include the number of CMVs operated under a trip lease or long-term lease agreement in their fleet size determinations.''

Section K, Administrative Filings Information

MoDOT recommended that FMCSA delete within Section K any information concerning the insurance company and the filing of financial responsibility; the name of the insurance company; policy number, date issued, etc. (proposed question 44). MoDOT also recommended that FMCSA delete the requirement to document within the MCSA–1 Form whether the Designation of Agents for Service of Process Form (BOC–3) is on file or will be filed

(proposed question 46). With respect to both of these recommendations, MoDOT commented that the information on file with the Agency should be sufficient proof and documentation to determine if the applicant is in compliance with the financial responsibility and process agent filing requirements. This commenter reasoned that if the responses to questions 44 and 46 were inconsistent with the filings received, someone would be required to intervene and question the validity of the application.

FMCSA Response. FMCSA is retaining proposed question 44 relating to financial responsibility on the MCSA–1 Form (renumbered as question 42 in the final rule) because the information provided is useful in identifying, at the application stage, unsafe carriers that attempt to ''reincarnate'' as new carriers. However, URS will not prevent an applicant that does not yet have this information from completing an application. FMCSA has removed proposed question 46 from the MCSA–1 Form because providing a simple confirmation that an applicant has submitted the BOC–3 Form to the Agency does not provide any useful information that the Agency does not already have.

Section K, Disclosure of Relationships With Other FMCSA-Regulated Entities

MoDOT also recommended that FMCSA remove column 2, in Section K, proposed question 45. Proposed question 45 would require an applicant to disclose all relationships that it has had (currently or in the past three years) with other FMCSA-regulated entities. The blank table requires an applicant to list the following information about such relationships: USDOT Number, MC/MX/FF number, company's name, and company's latest USDOT safety rating (as columns 1, 2, 3, and 5, respectively). MoDOT noted that the MC/MX/FF numbers will be superseded by the USDOT Number.

ATA commented that the instructions for question 45 regarding the reporting of affiliations were unclear. ATA requested clarification of what ''affiliation'' means in this context: ''Is it the narrow, highly technical signification of the federal tax regulations, or some other meaning? At its broadest, the word can mean any business, familial, or personal connection whatever.''

FMCSA Response. The Agency is retaining column 2 in proposed question 45 (renumbered as question 43) on the MCSA–1 Form, as proposed. The MC/MX/FF number information is necessary for FMCSA to preserve within the URS registration record for an entity all historical information relating to the MC/MX/FF number. For example, if a motor carrier transfers its operating authority to another person, the transferor's historical information associated with the MC number would be recorded in the URS registration record for the transferee. This erects another barrier to reincarnated carriers.

As for the instructions to this question and the term ''affiliation,'' FMCSA is incorporating the language of sec. 32105 of MAP–21 in defining ''affiliation.'' Under this section, an applicant for a USDOT Number must disclose any past or current relationship, through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration who was determined to be unfit, unwilling, or unable to comply with applicable regulatory requirements during the 3-year period before the date of the filing of the application. The MCSA–1 Instructions for question 43 have been modified to reflect the MAP–21 requirement.

Comments About MCSA–1 Instructions

Instructions for Reasons To File

ATA commented that on page 4 of the proposed instructions, under the information provided about the ''New Entrant Reapplication'' reason for filing, the last two sentences are confusing and perhaps contradictory. On the proposed Form MCSA–1 Instructions, these sentences read: ''If the motor carrier failed to schedule a New Entrant Safety Audit, did not appear for a safety audit, or failed a safety audit and did not submit corrective actions, the motor carrier must start the process from the beginning. If the motor carrier failed the safety audit, it must also demonstrate that it has corrected the deficiencies that resulted in revocation of its registration.'' (emphasis in proposed language).

FMCSA Response. The Agency has renumbered the ''Reasons to File'' listed in the Instructions to the MCSA–1 to be consistent with how they are listed on the Form MCSA–1. In both documents, ''New Entrant Reapplication'' is the second option under ''Reasons to File.'' There is a $300.00 fee for this transaction.

The language is not contradictory in that a new entrant whose USDOT registration has been revoked and whose operations have been placed out of service by FMCSA may re-apply for USDOT registration but must wait until 30 days after the date of revocation to do so. If revocation resulted from the new entrant's failure to schedule or submit to a safety audit, the new entrant must file an updated Form MCSA–1, pay the $300.00 filing fee, pass a safety audit and re-start the 18-month safety monitoring program commencing from the date the application is approved. But if revocation resulted from the fact that the new entrant failed the safety audit, the new entrant must do all of the following: File an updated Form MCSA–1; pay the $300.00 filing fee; provide evidence of corrective action; and re-start the 18-month safety monitoring program commencing from the date the application is approved. If the new entrant is a for-hire motor carrier subject to chapter 139 and also has its operating authority revoked, it must re-apply for operating authority as set forth in part 365. If revocation was based on the new entrant's failure to file the minimum amounts of financial responsibility or designate agents for service of process, it must also complete administrative filings as well in the reapplication process. The instructions for the new entrant reapplication ''Reason to File'' have been expanded to include this additional explanation.

Biennial Update Instructions

ATA suggested that the Form MCSA–1 should state plainly, and as often as may be helpful, that while an applicant is required to update its data every 24 months, it may do so as often as it likes. This commenter stated that the PRISM Program effectively requires annual updates, a discrepancy that continues to confuse many carriers.

FMCSA Response. In response to ATA's suggestion, the Agency has added the statement ''An entity may also update its record with FMCSA at any time within this 24-month period'' to the Form MCSA–1 Instructions' explanation of the Biennial Update reason for filing.

Instructions for Agency Notification in the Event of Change in Ownership, Management, or Control

ATA commented that on page 5 of the proposed Form MCSA–1 Instructions, at the top, there is a remnant of the 2005 NPRM's proposed requirement that a carrier must notify FMCSA within 20 days of any change in ownership, management or control. ATA recommended that this language be deleted from the Instructions.

FMCSA Response. The Form MCSA–1 Instructions have been modified to remove the requirement that a carrier must notify FMCSA within 20 days of any change in ownership, management or control. However, the Agency is requiring, in 49 CFR 365.405 and

390.201(d)(5), that the parties involved in any transaction that results in the transfer of an entity's operating authority must report the transfer to FMCSA on Form MCSA–1 within 30 days of consummation of the transaction. A new ''reason for filing'' category has been added to the Form MCSA–1 for this purpose titled ''Notification of Transfers of Operating Authority.'' Both the transferor and transferee will be required to submit the MCSA–1 Form to ensure that a transfer of operating authority actually occurred. FMCSA needs this information to help it identify potential churning of operating authority by entities who seek to avoid an unfavorable regulatory compliance history by purchasing another company or its operating authority.

Section A Instructions, Addresses

ATA commented that on pages 5 and 6 of the instructions, some of the requirements with respect to the applicant's name and address seem arbitrary. This commenter recommended that the Instructions not state so definitely that a ''terminal address'' is not acceptable. ATA stated that many trucking companies' headquarters offices may, in effect, be terminals, and asked which address these companies are to use if the use of a terminal address is prohibited.

This commenter further questioned why the Instructions indicate that a post office box is prohibited for a mailing address, if a company provides a physical location for the principal place of business. ATA commented that many of the smallest trucking companies operate almost wholly out of a vehicle, and that the use of any physical address to receive mail may involve a lack of security for such companies, not to mention inconvenience. This commenter noted that the current Form MCS–150 does not prohibit P.O. boxes.

FMCSA Response. The Agency has revised the MCSA–1 Instructions in line with these recommendations, and has clarified the FMCSA's use of each address. In particular, FMCSA has removed the prohibition against providing post office boxes as a mailing address because the Agency will only conduct on-site visits (when necessary) at the principal place of business address, which may not be a post office box. The instructions also will no longer prohibit the use of a terminal address for principal place of business as long as the address meets the definition of a principal place of business.

Section B Instructions, Driveaway-Towaway Operations

MoDOT requested that FMCSA provide a specific definition and instructions concerning driveaway-towaway operations. This commenter stated that the current MCS–150 Form requires an entry for the number of vehicles owned by the motor carrier even though the company may not own any motor vehicles when all the power units driven are considered cargo. MoDOT asked how companies that perform this service complete Form MCSA–1, which sections apply to them, and how they must report or not report the number of vehicles.

FMCSA Response. A new applicant filing to conduct driveaway-towaway operations is a motor carrier and must complete section A, B, K, N, and P of Form MCSA–1. Under section B, question 20 (formerly question 22), that motor carrier would select ''driveaway-towaway'' as Cargo Type and report mileage in question 21 (formerly question 23). Under question 22(a) (formerly 24(a)), the number of vehicles used in the towaway operation must be reported. Because driveaway operations involve operation of an unladen or empty vehicle that is not owned or leased by the motor carrier, question 22(a) would not apply. So a motor carrier that engages exclusively in driveaway operations would not be required to enter vehicle information in question 22(a).

The instructions for section B, question 22(a) now include a statement that ''the number of vehicles does not need to be reported for driveaway operations,'' which reflects the definition for ''driveaway-towaway'' found in § 390.5.

This definition was added to the MCSA–1 Instructions under question 15 (Operation Classification). Form MCSA–1, section B, question 22(a) (formerly question 24(a)) includes ''towaway'' in the breakout of vehicle types since the number of vehicles will need to be reported for these operations.

VI. Section-by-Section Analysis

This rule amends 49 CFR part 360 in reference to fees; part 365 procedures governing applications for operating authority and transfers of operating authority; part 366 procedures for designations of process agents; part 368 procedures governing applications to operate in municipalities in the United States on the United States-Mexico international border or within the commercial zones of such municipalities; part 385 safety fitness procedures; part 387 levels of financial responsibility; part 390 general applicability of the FMCSRs and part 392 regarding the driving of commercial motor vehicles.

A. Part 360, Fees for Motor Carrier Registration and Insurance

The Agency revises part 360 as proposed in the SNPRM. Section 360.1 sets out fees for registration-related services, such as records searches, copying, and certification. It also specifies that no service fees under this section will be charged to a Federal agency; a State or local government; or any representative of a motor carrier, motor private carrier, leasing company, broker, or freight forwarder accessing information related to the entity for the individual use of such entity.

Section 360.3 sets out the filing fees. This section also addresses the appropriate manner of payment, and the conditions under which an entity may receive or request a waiver or reduction of filing fees. As in current § 360.3, this section also indicates that separate filing fees are required for each type of authority sought in each transportation mode, such as broker authority for motor property carriers. A separate filing fee is also required for the filing of applications for 120-day temporary operating authority when there is a national emergency or natural disaster, regardless of whether such application is related to an application for corresponding permanent operating authority. FMCSA is retaining the existing fees for self-insurance pending consideration of changes in these fees in a separate rulemaking.

Section 360.5 specifies the procedure FMCSA will follow if the Agency determines it is necessary to update the URS user fees.

B. Part 365, Rules Governing Applications for Operating Authority

FMCSA revises § 365.101(a) and 365.101(h) to remove references to ''common'' and ''contract'' carriers because section 4303(c) of SAFETEA–LU required the Agency to discontinue designating operating authority as ''common'' or ''contract'' carriage.[64] FMCSA removes and reserves § 365.103 relating to a modified procedure.

The Agency amends § 365.105, *Starting the application process: Form MCSA–1, FMCSA Registration/Update (USDOT Number—Operating Authority Application),* to replace references to obsolete OP series forms with ''Form MCSA–1'' and to reduce the number of operational categories from six to three

[64] 49 U.S.C. 13902(f), as amended by SAFETEA–LU, section 4303(c).

so it is clear that the fee for operating authority applies only to the general categories of motor carrier, broker, and freight forwarder, and not to each individual subgroup of these categories listed in Section A, questions 15a, 15b, 15c, and 15d of Form MCSA–1.

Revised § 365.107, *Types of applications,* replaces references to OP series forms with ''Form MCSA–1.'' FMCSA has also removed obsolete references to common and contract carriage in § 365.107, as required by SAFETEA–LU. Under § 365.107(e), the Agency will grant temporary operating authority only in cases of national emergency or natural disaster, and following an emergency declaration under 49 CFR 390.23, *Relief from regulations.* Entities granted temporary operating authority will need to file evidence of financial responsibility with FMCSA.

The Agency revises § 365.109, *Review of the application,* to require new filings of both evidence of financial responsibility and designation of agents for service of process to be completed within 90 days of the date that the notice of application is published in the FMCSA Register. As explained in the SNPRM, the 90-day time period combines the existing 20-day initial deadline and 60-day extension period and adds 10 more days for Agency processing. FMCSA has also removed the phrase in current § 365.109(b) that indicates that the FMCSA Register publication of a summary of an application is considered ''a preliminary grant of authority.'' Instead, § 365.109(b) now indicates that a summary of the application will be published in the FMCSA Register to give notice to the public in case anyone wishes to oppose the application.

FMCSA adds new § 365.110, *Need to complete New Entrant Safety Assurance Program,* which specifies that operating authority does not become permanent until the applicant satisfactorily completes the New Entrant Safety Assurance Program in 49 CFR part 385, subpart D. The Agency revises § 365.111, *Appeals to rejections of the application,* to provide the address and appropriate FMCSA office to which an applicant should address an appeal when its application is rejected. The Agency revises § 365.119, *Opposed applications,* to specify that parties opposing an application are required to send a copy of their protests to both the applicant and FMCSA, that all protests must include statements made under oath, and that there are no personal appearances or formal hearings where there are protests to applications.

The Agency revises § 365.201, *Definitions,* to remove the reference to ''permanent authority.'' Section 365.201 now reads: ''A person wishing to oppose a request for operating authority files a *protest.* A person filing a valid protest is known as a *protestant.*'' The Agency revises § 365.203, *Time for filing,* to provide the address and appropriate FMCSA office to which a person should address a protest. FMCSA removes and reserves § 365.301, *Applicable rules,* in 49 CFR part 365, subpart C, *General Rules Governing the Application Process,* because applications for operating authority are not subject to the Agency's Rules of Practice in 49 CFR part 386.

As explained above in section V.I, the Agency revises subpart D of part 365 of title 49 CFR, *Transfers of Operating Authority.* Although FMCSA proposed to remove most of this subpart in the SNPRM, the Agency has since determined that the public interest necessitates requiring non-exempt for-hire motor carriers, brokers and freight forwarders to notify FMCSA of transactions that may directly or indirectly result in the transfer or lease of their operating authority. The Agency will no longer accept or review requests for transfers of operating authority. However, FMCSA believes that it is necessary to carry forward the reporting aspects of the regulations governing these transactions. See section V.I above for a discussion of these changes.

In 49 CFR part 365, subpart E, *Special Rules for Certain Mexico-domiciled Carriers,* the Agency amends § 365.507, *FMCSA action on the application,* to no longer permit an applicant to submit a hard copy of Form BOC–3 (Designation of Agents—Motor Carriers, Brokers and Freight Forwarders); an applicant or its process agent company must electronically file Form BOC–3. As discussed in section V.G.1 above, FMCSA revises § 365.509, *Requirement to notify FMCSA of change in applicant information,* to require an applicant to notify FMCSA within 30 days of any change or correction to the information in parts I, IA or II of Form OP–1(MX) or in Form BOC–3 during the application process or after having been granted provisional operating authority. The regulations previously contained a 45-day notification requirement, but this has been changed to 30 days in order to be consistent with similar notification requirements applicable to entities subject to the URS.

C. Part 366, Designation of Process Agent

The Agency amends § 366.1, *Applicability,* to include private and exempt for-hire motor carriers and freight forwarders among those entities that are required to acquire the services of process agents and file proof of designations with FMCSA. Effective April 25, 2016, § 366.2, *Form of designation,* is amended to specify a 180-day grace period (from the final rule compliance date) for all existing private and exempt for-hire motor carriers to file process agent designations. FMCSA makes minor revisions to § 366.3, *Eligible persons,* to make the reference to State officials gender neutral. The Agency revises § 366.4, *Required States,* to specify that every motor carrier must designate process agents for all 48 contiguous States and the District of Columbia, unless its operating authority registration is limited to fewer than 48 States and DC, in which case it must designate process agents for each State in which it is authorized to operate and for each State traversed during such operations. Although this exception was not proposed in the SNPRM, the Agency has determined that it is necessary because while property carriers are given nationwide authority, passenger carriers operating over regular routes (particularly governmental entities) may have geographically-limited operating authority. FMCSA also adds a paragraph 366.4(c), which indicates that every freight forwarder must make a designation for each State in which its offices are located or in which contracts will be written.

The Agency revises § 366.5, *Blanket designations,* to specify that brokers and freight forwarders (in addition to motor carriers) may make the required designation of process agents by specifying the name of an association or corporation that has filed a list of process agents for each State with FMCSA. As discussed in sections III.B.7 and V.G.4 above, the Agency revises § 366.6, *Cancellation or change,* to clarify that the process agent or blanket agent, in addition to the motor carrier, broker, or freight forwarder, may cancel or change a process agent designation by filing a new designation with FMCSA (366.6(a)). To help ensure that such designations are up-to-date, § 366.6(b) requires that changes to designations be reported to FMCSA within 30 days of the change. In response to public comments, the Agency has added, in § 366.6(c), a new requirement that a motor carrier, broker or freight forwarder report changes in name, address, or contact information to its process agents and/or the company making a blanket designation on its behalf within 30 days of the change. Finally, the Agency adds § 366.6(d) to

require process agents and blanket agents who file process agent designations on behalf of motor carriers, brokers, and freight forwarders to report to FMCSA terminations of their contracts with regulated entities within 30 days of the termination. If process agents and/or blanket agents do not keep their information up to date, FMCSA may withdraw their authority to make process agent designations.

D. Part 368, Application for a Certificate of Registration To Operate in Municipalities in the United States on the United States-Mexico International Border or Within the Commercial Zones of such Municipalities

FMCSA revises § 368.3, *Applying for a certificate of registration,* to replace obsolete references to the OP–2 and MCS–150 forms with references to ''Form MCSA–1.'' The Agency revises § 368.4, *Requirement to notify FMCSA of change in applicant information,* to require applicants to notify the Agency within 30 days of any changes or corrections to the information in Section A of Form MCSA–1. The revisions to this section also replace obsolete form references with references to ''Form MCSA–1.'' FMCSA revises § 368.8, *Appeals,* to change the Agency office to which applicants should address an appeal to a denial of an application.

E. Part 385, Safety Fitness Procedures

In 49 CFR part 385, subpart D, *New Entrant Safety Assurance Program,* the Agency revises § 385.301, *What is a motor carrier required to do before beginning interstate operations?,* to specify that all for-hire motor carriers must obtain operating authority in addition to registering and obtaining a USDOT Number, unless they are exclusively providing transportation that is exempt from the commercial registration requirement in 49 U.S.C. chapter 139. FMCSA also revises this section to reference the new registration procedures in 49 CFR part 390 in addition to the instructions for obtaining operating authority located in 49 CFR part 365. This revised section also clarifies that, although the New Entrant Safety Assurance Program regulations of subpart D do not apply to Mexico-domiciled motor carriers, such carriers must register with FMCSA by following the procedures described in 49 CFR parts 365, 368, and 390.

The Agency revises § 385.303, *How does a motor carrier register with the FMCSA?,* to reference the new Form MCSA–1. The Agency revises § 385.305, *What happens after the FMCSA receives a request for new entrant registration?,* to specify in paragraph (c) that upon completion of the application form, the new entrant will be issued an inactive USDOT Number, and that an applicant may not begin operations nor mark a CMV with the USDOT Number until after the date of the Agency's written notice that the USDOT Number has been activated. The Agency also revises this section to specify that violators of this section may be subject to penalties under § 392.9b(b), and to replace a reference to the obsolete Form MCS–150 with the new Form MCSA–1. Finally, paragraph (d) of this section is being revised to reference new § 390.201(b) and add a new paragraph heading to improve the reader's understanding of the section.

FMCSA revises § 385.329, *May a new entrant that has had its USDOT new entrant registration revoked and its operations placed out of service reapply?,* to replace references to obsolete Form MCS–150 with references to Form MCSA–1. The Agency also revises this section to specify that if the new entrant is a for-hire motor carrier subject to the registration provisions of 49 U.S.C. chapter 139 and also had its operating authority revoked, it must re-apply for operating authority as set forth in § 390.201(b) and 49 CFR part 365.

In 49 CFR part 385, subpart E, *Hazardous Materials Safety Permits,* the Agency revises § 385.405, *How does a motor carrier apply for a safety permit?,* to replace references to obsolete forms with references to Form MCSA–1. FMCSA also revises this section to specify that a motor carrier holding an HMSP must report to the Agency any change in the information on Form MCSA–1 within 30 days of the change. FMCSA revises §§ 385.409, 385.419, and 385.421 to replace references to obsolete forms with references to Form MCSA–1.

In 49 CFR part 385, subpart H, *Special Rules for New Entrant Non-North America-Domiciled Carriers,* the Agency revises § 385.603, *Application,* to replace references to obsolete forms with references to Form MCSA–1. The Agency revises § 385.607, *FMCSA action on the application,* to indicate that the Form BOC–3 (Designation of Agents—Motor Carriers, Brokers and Freight Forwarders) may only be submitted electronically. FMCSA revises § 385.609, *Requirement to notify FMCSA of change in applicant information,* to indicate that motor carriers subject to this subpart must notify the Agency of any changes or corrections to the information in Section A of Form MCSA–1 that occur in the application process or after the motor carrier has been granted new entrant registration within 30 days of the change.

In 49 CFR part 385, subpart I, *Safety Monitoring System for Non-North American Carriers,* the Agency revises § 385.713, *Reapplying for new entrant registration,* to replace references to obsolete Form MCS–150 with references to Form MCSA–1. This revised section will also clarify that if the new entrant is a for-hire carrier subject to the registration provisions under 49 U.S.C. 13901 and also has had its operating authority revoked, it must reapply for operating authority as set forth in 49 CFR part 365 and in new § 390.201(b).

F. Part 387, Minimum Levels of Financial Responsibility for Motor Carriers

In 49 CFR part 387, subpart A, *Motor Carriers of Property,* the Agency adds § 387.19 to specify that insurers of exempt for-hire and private motor carriers that transport HM in interstate commerce must file certificates of insurance, surety bonds, and other securities and agreements with FMCSA electronically in accordance with the requirements and procedures set forth in § 387.323, *Electronic filing of surety bonds, trust fund agreements, certificates of insurance and cancellations.*

In 49 CFR part 387, subpart B, *Motor Carriers of Passengers,* FMCSA revises § 387.33, *Financial responsibility, minimum levels,* by adding a paragraph (b) to clarify the specific URS registration and financial responsibility obligations for FTA grantees who receive grants under 49 U.S.C. 5307, 5310, or 5311. In particular, this section specifies that the minimum level of financial responsibility for a motor vehicle used by such a carrier to provide transportation services within a transit service area located in more than one State must be the highest level required for any of the States in which it operates. This section clarifies that this requirement also applies to transit service providers who operate in only one State but interline with other passenger carriers that provide interstate transportation within or outside the transit service area. This section specifies that these transit service providers must register as for-hire passenger carriers under 49 CFR parts 365 and 390, identify the State(s) in which they operate under the applicable grants, and certify on their registration that they have in effect financial responsibility levels in an amount equal to or greater than the highest level required by any of the States in which they are operating under a qualifying grant.

FMCSA adds § 387.43, *Electronic filing of surety bonds, trust fund agreements, certificates of insurance and cancellations,* to specify that insurers of for-hire motor carriers of passengers must file certificates of insurance, surety bonds, and other securities and agreements electronically in accordance with the requirements and procedures set forth in § 387.323, *Electronic filing of surety bonds, trust fund agreements, certificates of insurance and cancellations.* Section 387.43 also specifies that this section does not apply to Mexico-domiciled passenger motor carriers, which are excepted from the § 387.31(b) requirement that policies of insurance, surety bonds, and endorsements to satisfy the financial responsibility minimum requirements must remain in effect continuously.

In 49 CFR part 387, subpart C, *Surety Bonds and Policies of Insurance for Motor Carriers and Property Brokers,* the Agency revises § 387.301, *Surety bond, certificates of insurance, or other securities,* to remove obsolete references to common and contract carriers, as required by SAFETEA–LU. Regarding § 387.303, *Security for the protection of the public: Minimum limits,* as explained in section V.G.2 above, FMCSA adds a new subparagraph 387.303(b)(1)(iii) to clarify that the minimum level of financial responsibility for a motor vehicle used by an FTA grantee motor carrier to provide transportation services within a transit service area located in more than one State must be the highest level required for any of the States in which it operates. This new subparagraph also reiterates the other financial responsibility clarifications described above in the discussion of § 387.33. Although FMCSA proposed in the SNPRM to revise § 387.303 to restore a previously removed provision and to remove obsolete references to effective dates in § 387.303(b)(2), a recently issued FMCSA technical amendment made these changes. These changes restored a provision that established minimum public liability limits of $300,000 for fleets that consist only of vehicles with Gross Vehicle Weight Ratings (GVWRs) of under 10,000 pounds, except that 10,000 pounds was changed to 10,001 pounds to be consistent with the statutory definition of CMV. Because these changes were made in a recently issued technical amendment, the Agency is not making those changes in this final rule.

The Agency also revises §§ 387.313, *Forms and procedures;* 387.323, *Electronic filing of surety bonds, trust fund agreements, certificates of insurance and cancellation;* 387.413, *Forms and procedures;* and 387.419, *Electronic filing of surety bonds, certificates of insurance and cancellations,* to clarify that electronic filing is mandatory and not optional. In 49 CFR part 387, subpart D, *Surety Bonds and Policies of Insurance for Freight Forwarders,* FMCSA revises § 387.403, *General requirements,* to expand freight forwarder BI&PD insurance requirements to all freight forwarders performing transfer, collection, or delivery service. As explained in the SNPRM, under the current regulations, only HHG freight forwarders performing transfer, collection, or delivery service are subject to a BI&PD insurance requirement. These regulations were transferred without changes from the Interstate Commerce Commission following enactment of the ICCTA. However, although the ICCTA expanded the Agency's jurisdiction over freight forwarders, which had been previously limited to HHG freight forwarders, to all freight forwarders, the regulations were not amended to reflect the Agency's broadened jurisdiction. FMCSA believes there is no basis for limiting the BI&PD insurance requirement to HHG freight forwarders.[65]

G. Part 390, Federal Motor Carrier Safety Regulations; General

The Agency revises § 390.3, *General applicability,* to remove references to § 390.19. In paragraph 390.3(g)(4), a reference to § 390.19(a)(1) has been replaced with a reference to § 390.201. Paragraph 390.3(h), *Intermodal equipment providers,* is revised to remove reference to a December 2009 compliance date. The Agency adds paragraphs 390.3(i) and 390.3(j) to reference the safety regulations that are applicable to brokers and freight forwarders required to register with FMCSA pursuant to 49 U.S.C. chapter 139. The Agency adds paragraph 390.3(k) to specify that the rules in 49 CFR part 390, subpart E, *Unified Registration System,* apply to each cargo tank and cargo tank motor vehicle manufacturer, assembler, repairer, inspector, tester, and design certifying engineer that is subject to registration requirements under 49 CFR 107.502 and 49 U.S.C. 5108.

The Agency revises the definition of ''exempt motor carrier'' in § 390.5, *Definitions,* to mean ''a person engaged in transportation exempt from economic regulation by the [FMCSA] under 49 U.S.C. chapter 135,'' rather than under 49 U.S.C. 13506, as specified in the current regulation because not all the statutory exemptions in chapter 135 are contained within section 13506.

FMCSA makes changes to § 390.19 in two phases. First, effective November 1, 2013, the Agency amends § 390.19 by adding a new paragraph (b)(4), which states that anyone failing to comply with the biennial update requirement is subject to civil penalties. As explained above, FMCSA determined that enforcement of the biennial update requirement through the imposition of civil penalties is so important that the date for this provision will occur as soon as possible.

In the second phase of § 390.19 changes, which are effective on the main compliance date for the rule, October 23, 2015, FMCSA revises § 390.19, *Motor carrier identification reports for certain Mexico-domiciled motor carriers,* to specify that only Mexico-domiciled long-haul carriers must file Form MCS–150 with FMCSA.[66] These carriers must file Form MCS–150 before they begin operations and an update every 24 months. This provision continues to allow the MCS–150 to be submitted to the agency via hard copy. Paragraph 390.19(e) instructs these carriers to submit the Form MCS–150 along with their application for operating authority (OP–1(MX)). Paragraph 390.19(h)(2) specifies that a Mexico-domiciled long-haul carrier must pass the pre-authorization safety audit under § 365.507, and that the Agency will not issue a USDOT Number until expiration of the protest period provided in § 365.115 and—if a protest is received—after FMCSA denies or rejects the protest.

FMCSA amends § 390.21, which addresses the marking of CMVs and intermodal equipment, by revising subparagraph (b)(1) to reference new Form MCSA–1 in addition to Form MCS–150 when specifying the name of the carrier that must appear in a vehicle marking because Mexico-domiciled long-haul carriers are not included in the URS and will continue to use the Form MCS–150 when this rule is implemented. Specifically, the Agency revises § 390.21(b)(1) to state that the marking information must display the ''legal name or a single trade name of the motor carrier operating the self-

[65] A technical amendment has also been made to insert the phrase ''transfer, collection, or delivery service'' in place of ''transfer, collection, and delivery service'' to conform with the statutory language at 49 U.S.C. 13906(c)(1).

[66] Effective on the main compliance date for this final rule, the biennial update requirement and accompanying civil penalties provision are applicable to the new Form MCSA–1 in addition to the MCS–150. Effective October 23, 2015, the biennial update requirement for the Form MCSA–1 is located at § 390.201, as discussed below.

propelled CMV, as listed on the Form MCSA–1 or the motor carrier identification report (Form MCS–150) and submitted in accordance with § 390.201 or § 390.19, as appropriate.'' The Agency revises § 390.40, *What responsibilities do intermodal equipment providers have under the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399)?,* to replace a reference to obsolete Form MCS–150C with a reference to Form MCSA–1.

FMCSA adds a new subpart E, *Unified Registration System,* which includes §§ 390.201 through 390.209. Section 390.201, *USDOT Registration,* establishes the general requirement for all regulated entities, except Mexico-domiciled long-haul carriers, to obtain USDOT registration by electronically filing Form MCSA–1 and to provide FMCSA biennial updates to the registration information.

Paragraph 390.201(c)(1) states that persons who fail to file Form MCSA–1 before beginning operations, or who fail to file timely biennial updates, are subject to civil penalties under 49 U.S.C. 521(b)(2)(B) or 49 U.S.C. 14901(a), as appropriate. Persons are also subject to civil penalties if they furnish misleading information or make false statements on Form MCSA–1.

Paragraph 390.201(c)(2) provides for the issuance of an inactive USDOT Number upon receipt and processing of Form MCSA–1, which will be activated after completion of all applicable administrative filings. It further states that an applicant may not begin operations until after its USDOT Number has been activated.

Paragraph 390.201(c)(3) requires that a carrier must display a valid USDOT Number on each CMV. Motor carriers will not be required to remove the obsolete numbers (e.g., MC) from their vehicles and those numbers may be used for other purposes such as advertising or marketing. However, FMCSA encourages carriers to omit these obsolete numbers from new or repainted vehicles.

Paragraphs 390.201(d)(2) and (d)(3) require biennial updates to be filed on the last day of a specific month, which is determined based on the last digit of the entity's USDOT Number. Paragraph 390.201(d)(4) specifies that a registered entity must notify the Agency of a change in legal name, form of business, or address within 30 days of the change by filing an updated Form MCSA–1. Paragraph 390.201(d)(5) requires a person who obtains operating authority through a transfer, as defined in part 365, subpart D, to notify FMCSA of the transfer within 30 days of consummation of the transfer by filing an updated Form MCSA–1, if the transferee had an existing USDOT number at the time of the transfer, or a new Form MCSA–1 if the transferee did not have an existing USDOT Number at the time of transfer. Paragraph 390.201(d)(5) also requires the transferor to file a Form MCSA–1 indicating that it has transferred its operating authority to the transferee. Both the transferee and the transferor are also required to scan and submit a copy of the operating authority that is being transferred. *See* section V.I above for a discussion of these requirements. The filing of updated information under either paragraph 390.201(d)(4) or 390.201(d)(5) does not relieve a registered entity from the requirement to file an updated Form MCSA–1 every 24 months in accordance with paragraph 390.201(d)(3).

Section 390.203, *PRISM State registration/biennial updates,* specifies that a motor carrier that registers its vehicles in a PRISM Program State can satisfy the USDOT registration and biennial update requirements in § 390.201 by electronically filing the required information with the State, provided the State has integrated the USDOT registration/update capability into its vehicle registration program. Section 390.205, *Special requirements for registration,* requires all for-hire motor carriers, private motor carriers that transport HM in interstate commerce, brokers, and freight forwarders to file evidence of financial responsibility to receive USDOT registration. This section also specifies that all motor carriers (both private and for-hire), brokers, and freight forwarders required to register under the URS must designate an agent for service of process pursuant to 49 CFR part 366.

Section 390.207, *Other governing regulations,* lists and provides cross-references to other governing regulations that are applicable to those requesting USDOT registration. Section 390.209, *Pre-authorization safety audit,* directs a non-North America-domiciled motor carrier that requests authority to conduct interstate commerce within the United States to § 385.607(c) for detailed information about the requirement to complete a pre-authorization safety audit as a pre-condition for receiving USDOT registration.

H. Part 392, Driving of Commercial Motor Vehicles

Effective November 1, 2013, the Agency adds a new § 392.9b, *Prohibited transportation,* to prohibit a motor carrier with an inactive DOT Number from operating a CMV and to notify carriers violating this provision that they are subject to civil penalties in accordance with 49 U.S.C. 521.

VII. Regulatory Evaluation of the URS Final Rule: Summary of the Calculation of Benefits and Costs [67]

A summary of the benefits and costs of the URS final rule, including total net benefits, can be found in section III.C above. This section summarizes the calculation of the costs and benefits for each URS provision. FMCSA refers readers to the final Regulatory Evaluation, which can be found in the docket, for the Agency's full discussion of the analysis of benefits and costs of the URS.

All costs and benefits were calculated over a 10-year period in nominal dollars, restated in real 2010 dollars, and discounted to present value using a rate of seven percent per Office of Management and Budget (OMB) guidelines. A full discussion of the data used, assumptions made, and calculations performed is in the Regulatory Evaluation, which can be found in the public docket for the URS final rule.

A. New Registration Fees Under the URS

Currently, only non-exempt for-hire motor carriers, property brokers, and freight forwarders must pay a one-time registration fee to FMCSA of $300. However, under the URS, FMCSA will require exempt for-hire, private motor carriers and other entities to pay a registration fee as well. Section 4304 of SAFETEA–LU provided that the fee for new URS applicants shall as nearly as possible cover the costs of processing the registration but shall not exceed $300. The $300 limit was removed by section 32106 of MAP–21. FMCSA determined that it would charge all new applicants the maximum fee of $300 authorized by SAFETEA–LU, even though the amount needed to cover the 10-year Agency costs associated with processing the registration filings based on projections of annual new applicants and Agency processing costs exceeded $300 per filing. Although MAP–21 eliminated the $300 limit, the final rule retains the $300 fee proposed in the SNPRM because the Agency has not developed preliminary estimates on appropriate fees to cover the full costs of operating its URS program, or issued for public comment a proposal concerning such fees. The Agency has opted to initiate, at a later date, a separate rulemaking proceeding to solicit public comment on this issue,

[67] Calculations presented in this section may by subject to rounding errors.

rather than delay issuance of this final rule.

FMCSA forecasted $360,122,795 in upgrading and operating costs of the registration system over the 10-year period from 2014 through 2023. This total includes the costs to operate the new motor carrier licensing and insurance system. The total also includes the cost for FMCSA to vet all new applicant for-hire carriers.[68]

A portion of these licensing, insurance, and vetting costs will be defrayed by fee revenues other than new applicant registration fees. The FMCSA estimated fees collected for various insurance filings to be $6,943,479 over the 10-year period, and subtracted the 10-year present value of other fee revenues ($6,943,479) from the licensing, insurance, and vetting cost estimate to arrive at $353,179,316 in present value costs that the Agency must recover through the registration fee. FMCSA divided this cost estimate by its projection of dollars collected per dollar of fee ($486,678)[69] to arrive at a fee of $725. For the reasons stated above, FMCSA will charge $300 per new applicant. Though a portion of the fees will cover some of the costs of FMCSA's review of applications, the $300 fee will not be sufficient to cover all of these review costs.

The cost to industry associated with the change will be $63,583,722 in discounted dollars over the 10-year period (shown in Table 6). This cost to industry will be offset by an equal benefit to the Agency resulting from the revenues generated through the new registration fees.

TABLE 6—PROPOSED CHANGE IN FMCSA REGISTRATION FEE TO NEW APPLICANTS BY OPERATION AND CLASSIFICATION

Operation classification	Number (2014–2023)	Fee change	Total (2010 $)	Total (present value)
Exempt For-Hire Carriers	44,449	300	$13,334,700	$10,083,170
Private Carriers and other entities *	235,945	300	70,753,500	53,500,522
Total	280,294	.....	84,088,200	63,583,722

* Cargo tank facilities and IEPs.

B. Designation of Process Agents

FMCSA amends 49 CFR part 366 to require private and exempt for-hire carriers to file process agent designation information with the Agency. FMCSA believes that requiring exempt for-hire carriers to file process agent designations would enhance safety and it is not cost prohibitive. FMCSA's data show that exempt carriers appear to be comparable to the general carrier population when it comes to crash rate and unfit determinations. Therefore, it is equally important that FMCSA be able to quickly identify the appropriate individual(s) on whom to serve notices of enforcement actions. In 2011 and 2012, exempt for-hire carriers constituted about 10 percent of unfit determinations made by FMCSA resulting from compliance reviews. An analysis conducted by the Agency to examine the safety profile of exempt for-hire carriers indicated that these carriers had much higher post-identification crash rates than private carriers, but lower post-identification crash rates than non-exempt for-hire carriers.[70] Additional information supporting the Agency's decision to require exempt for-hire motor carriers to file process agent designations with the Agency is found in section 3.8 of the regulatory evaluation for this final rule.

Although under SAFETEA–LU carriers will not be assessed a fee when filing this information, there is still a cost to industry associated with engaging a process agent. The FMCSA estimated, based on price quotes available from process agents, that the cost to engage a process agent is currently about $35 per carrier. This cost was assumed to cover the minimal filing cost to the process agent.[71] No processing cost was assumed for FMCSA for this electronic filing.

The Agency calculated $7,199,122 in discounted costs to industry associated with new-applicant private and exempt for-hire carrier process agent filings for 2014 through 2023.

FMCSA assumed that no private and exempt for-hire motor carriers with recent activity have designated process agents. The Agency calculated one-time compliance costs for affected carriers with recent activity of $10,546,445 based on its estimate of 301,327 private and exempt for-hire carriers with recent activity in 2014.

Finally, FMCSA, based on discussions with the FMCSA Commercial Enforcement Division, estimated that 10 percent of private and exempt for-hire motor carriers with recent activity will change their process agents each year. The Agency calculated discounted costs to industry of $7,321,445 associated with re-filing activities over the 10-year analysis period. FMCSA also calculated the Agency resource cost to process the carrier process agent changes.

Non-exempt for-hire motor carriers, brokers and freight forwarders currently must file designations of process agents via a ''BOC–3'' filing. Under the URS final rule, FMCSA is requiring both private and exempt for-hire carriers to make the same filings.

This requirement will improve the ability of FMCSA safety investigators to locate small and medium-sized private

[68] The FMCSA has authority to vet all for-hire carriers, but is currently vetting only for-hire household goods and passenger carriers. During the vetting process, FMCSA reviews the application for completeness and compares the applicant's data with existing carrier data in order to identify noncompliant carriers seeking authority under a different name. If an application is incomplete, FMCSA will contact the applicant to obtain missing information. If FMCSA determines that an applicant is an unsafe carrier or the application remains materially incomplete after contacting the applicant, FMCSA will reject the application. The applicant is provided an opportunity to appeal the rejection and submit additional evidence to support its position that the application should be approved.

[69] This number was calculated by multiplying the number of new registrants in each year by $1, discounting to find the present value, and summing over the 10-year period of the analysis.

[70] The analysis was run using the 2009 Safety Management System (SMS) Effectiveness Test to look at the post identification crash rates of: (1) Carriers with recent activity that meet screening criteria that ensure they are operational during the evaluation period; and (2) carriers with 1 or more Behavior Analysis and Safety Improvement Categories (BASICs) above FMCSA's SMS intervention thresholds. This analysis essentially identifies who the Agency would have identified had it ran SMS in January 2010 and then what those carriers post-identification crash rates were between January 2010 and June 2011. The analysis showed that exempt for-hire and exempt for-hire plus another classification experienced higher crash rates (4.0 percent and 3.3 percent, respectively) than private carriers (1.7 percent). The difference in crash rates is even larger when examining those carriers with one or more BASICs above the intervention threshold, with exempt for-hire carriers having a crash rate of 5.8 percent, as compared to private carriers having a crash rate of 2.2 percent.

[71] The $35.00 process agent filing cost is based on an internet search of process agents conducted May 7th, 2013 found on the FMCSA Web site (*http://www.fmcsa.dot.gov/registration-licensing/licensing/agents.htm*).

and exempt for-hire motor carriers for enforcement action and compliance-related activities because investigators would be able to work with the newly-designated process agents to locate hard-to-find motor carriers. If the time saved is used by safety investigators to conduct more safety interventions, the Agency believes this will lead to increased safety benefits. However, to present a conservative estimate of the benefits of the URS final rule, we only estimate the benefit of time saved by the Agency due to more efficient interventions.

The FMCSA investigators sometimes spend 20 hours or more attempting to locate motor carriers, and in some cases are unable to track down the subject carrier altogether. The FMCSA estimated that the availability of process agent information would save field staff an average of 15 hours in cases involving hard-to-locate carriers.

In 2002, States conducted 216 carrier searches per year on average. In 2003, FMCSA Division Offices reported between 10 and 100 cases per State in which field staff had significant trouble locating a motor carrier on whom they wished to conduct compliance reviews, with most Division Offices reporting fewer than 25 such instances.

FMCSA estimated that 15 enforcement cases per State per year (or roughly two thirds of the ''difficult'' cases) will benefit from dramatically reduced search costs because of the requirement for private and exempt for-hire carriers to designate process agents.

The estimates of 15 saved hours per difficult case and 15 difficult cases per year per division result in 225 (15 × 15) annual staff hours saved per State, or 11,475 (225 × (50 States + District of Columbia) annual staff hours saved in total. Assuming the Agency would allocate all of the annual saved staff hours to reducing labor costs, FMCSA estimated the value of this annual benefit by multiplying the total annual hours saved (11,475) by the Agency wage rate presented in section 2 of the Regulatory Evaluation for the Unified Registration System Final Rule, which is in the docket for this rulemaking. For example, in 2014, the saved staff hours would benefit the Agency by reducing labor costs by $424,917 (11,475 × $37.03).

FMCSA projected this annual benefit over the 10-year analysis period to arrive at a total benefit of $4.2 million in 2010 dollars. FMCSA discounted this benefit to present value applying a seven percent discount rate consistent with the other portions of this analysis. The Agency arrived at a total benefit due to reduced labor cost (i.e., increased efficiency) of $3.2 million over the 10-year analysis period.

In total, the regulatory changes requiring exempt for-hire and private carriers to file process agent designations are estimated to result in a cost of $25,067,012 to industry and a benefit to the Agency of $3,130,736, and thus a societal net benefit of −$21,936,276.[72] The Agency sought, but did not receive, comments on how the process agent filing process can be made less costly.

In addition to the Agency time savings realized through the process agent designation requirement, FMCSA believes it provides unquantifiable benefits to both FMCSA and the public. FMCSA believes that the unquantifiable benefits, which are discussed further in subsequent paragraphs, outweigh the costs.

When FMCSA needs to serve notices, such as out-of-service orders on entities the Agency has deemed an imminent hazard or unsafe/unfit, it attempts to provide the notification through three means—hand delivery, U.S. mail, and/or by using a process agent to accomplish service. The purpose of the designation of process provisions is to ensure a carrier has been notified of the Agency order or notice, and if it continues to operate in violation of the properly served order or notice, the carrier could not claim it was unaware of the service. Thus, the process agents are an important component of the registration process as they eliminate the possibility for a carrier/regulated entity to claim that it was not served with effective notification of Agency action because of relocation or other circumstances.

Beyond FMCSA's usage, the designation of a process agent enhances the public's ability to serve legal process on responsible entities when seeking compensation for property loss/damage or personal injury resulting from a crash involving a commercial motor vehicle operated by any motor carrier, regardless of where the incident took place. Similarly, the designated process agent can receive service of process concerning any court proceeding involving commercial transactions between a carrier and an aggrieved party. With a regulated entity's USDOT number or name, a member of the public can currently access process agent information through the FMCSA Web site at *http://safer.fmcsa.dot.gov/CompanySnapshot.aspx* and, thus, can complete service of legal process even if service cannot be effected directly on the carrier, broker, or freight forwarder.

C. Financial Responsibility

Under the URS final rule, the insurance representatives of all new applicant exempt for-hire and private HM carriers will need to file evidence of financial responsibility with FMCSA, and the carriers will be assessed a $10 filing fee.[73] FMCSA calculated 10-year fee costs of $460,331 to industry using its estimate of new applicant exempt for-hire and private HM carriers. This $460,331 cost to industry is offset by an equal benefit to the Agency resulting from revenues from the new fees.

The $10 fee is a transfer from the industry to the Agency, but the industry will incur resource costs associated with filing. The FMCSA assumed it would take insurance companies a minimal amount of time to file the required proof of insurance for each carrier they insure. Because these filings are handled electronically, FMCSA assigned a cost of only $4 per filing, assuming 10 minutes of time for a clerk. The Agency calculated the resource cost to new applicant exempt for-hire and private HM carriers by multiplying its projection of filing costs by its estimate of new applicants over the 10-year period to arrive at a total discounted resource cost to industry of $184,132.

FMCSA is requiring existing exempt for-hire and private HM carriers to file proof of insurance. Using the Agency's 2008 MCMIS data, FMCSA estimated that in 2014 there will be 48,308 exempt for-hire carriers with recent activity and 25,019 private HM carriers with recent activity. The Agency calculated a discounted cost to industry of $693,890 associated with the fees. This cost to industry is offset by an equal benefit to the Agency due to the revenues from the fees.

FMCSA calculated the resource cost to carriers with recent activity by multiplying its $4 filing cost estimate by

[72] Current regulations (49 CFR part 366) require only motor carriers and brokers that are subject to the 49 U.S.C. chapter 139 commercial registration requirements to designate a process agent. Exempt for-hire motor carriers and private carriers are currently not required to file process agent designations. The URS rule requires all for-hire and private motor carriers, brokers, and freight forwarders to designate process agents via electronic submission as a precondition for receiving USDOT registration and/or operating authority registration, when applicable. Of the roughly $25 million in total resource costs to the industry for the designation of process agents, only $4 million is incurred by exempt for-hire carriers. The majority of the resource costs resulting from this provision ($21 million) are incurred by private carriers, who are required by statute to designate process agents.

[73] Section 4304 of SAFETEA–LU caps financial responsibility filing fees at $10. The filing fee is paid to FMCSA by the insurance company making the filing on behalf of the carrier and is passed on to the carrier by the insurance company.

the total exempt for-hire and private HM carriers with recent activity to arrive at a discounted resource cost of $733,270.

Currently, all for-hire motor carriers, property brokers, and freight forwarders performing transfer, collection and delivery service must maintain current proof of financial responsibility on file with FMCSA to remain in ''active'' status. If an insurance company or financial institution notifies FMCSA of cancellation of coverage, carriers, property brokers, and freight forwarders must file evidence of replacement coverage before the policy, bond, or trust fund termination date. Under this final rule, exempt for-hire and private HM carriers will be subject to the same URS requirements. There is a $10 fee associated with filing proof of replacement financial responsibility. These provisions ensure the continuity of insurance coverage by exempt-for hire, private HM carriers and all freight forwarders. This security will pay any final judgment recovered against any entity for bodily injuries to or the death of any person resulting from the negligent operation, maintenance or use of CMVs in transportation, or for loss of or damage to property of others in connection with their transportation service. FMCSA may at any time refuse to accept or may revoke its acceptance of any surety bond, certificate of insurance, or other security or agreement that does not comply with 49 CFR part 387 or fails to provide adequate public protection.

Based on 2008 MCMIS data, roughly 8.56 percent of non-exempt for-hire carriers with recent activity filed proof of replacement liability insurance coverage with the Agency. The FMCSA assumed the same portion of the exempt for-hire and private HM carriers will file proof of replacement insurance following a policy cancellation. The Agency thus calculated the fees associated with evidence of financial responsibility replacement filings resulting from this proposed change by multiplying the $10 filing fee by 8.56 percent of the exempt for-hire and private HM carriers with recent activity each year. This calculation resulted in a discounted cost to industry over the 10-year analysis period of $498,207. This cost to industry will be offset by an equal benefit to the Agency in the form of new fees received.

FMCSA calculated the resource cost to carriers with recent activity by multiplying its replacement filing cost estimate by 8.56 percent of the population of exempt for-hire and private HM carriers with recent activity. This resulted in a total discounted resource cost to operating carriers over the 10-year analysis period of $199,283. Again, no costs were attributed to the Agency for these filings.

Changes in requirements for financial responsibility filings resulted in a total 10-year cost to industry of $1,691,808. This cost to industry due to changes in requirements, however, is offset by an equal benefit to FMCSA for revenues from fees associated with the increased number of filings. Therefore, the societal costs due to changes in fees are zero. These changes are estimated to result in total 10-year resource costs to industry of $676,723.

D. Cancellation and Reinstatement of USDOT Numbers/Operating Authority

As discussed in the previous section, non-exempt for-hire motor carriers, property brokers, and freight forwarders must maintain current proof of financial responsibility (liability insurance, bond, or trust fund information) with FMCSA to retain their operating authority. If an insurance company or financial institution notifies FMCSA of cancellation of coverage, carriers, property brokers, and freight forwarders must file evidence of replacement coverage before the policy, bond, or trust fund termination date. The operating authorities of entities that do not file the required updates are revoked and these entities must apply for reinstatement of their operating authority by making the necessary filings. This final rule requires exempt for-hire, private HM carriers, and all freight forwarders providing transfer, collection, and delivery service to file and maintain proof of liability insurance as a condition for obtaining and retaining an active USDOT Number. FMCSA will deactivate the USDOT Number of noncompliant entities, who would be required to reactivate their USDOT registrations in order to resume operations subject to FMCSA jurisdiction.

Under the current system, carriers requesting reinstatement of operating authority must file a written request for reinstatement, pay an $80 fee (on-line by credit card, by phone with a credit card, or by mail with a check) and make the applicable financial responsibility filing. Once the payment is received and applicable filings are made, the FMCSA information system matches up the payment with the filings and automatically issues a reinstatement letter at 5 a.m. on the next business day. Under the URS established in today's final rule, carriers requesting reinstatement will make the request electronically using Form MCSA–1, pay a $10 fee, and complete applicable filings showing that their insurance is back in effect. The Agency aspect of the reinstatement process will remain the same under the URS.

FMCSA discusses these changes below in the following categories:

(a) Reinstatement for non-exempt for-hire carriers, brokers, and freight forwarders; and

(b) Reinstatement for exempt for-hire and private HM carriers.

Reinstatement for Non-Exempt For-Hire Carriers, Brokers and Freight Forwarders

Under the current system, non-exempt for-hire carriers, brokers and freight forwarders pay an $80 fee and file a written request for reinstatement. Under the URS established in today's final rule, these carriers will request reinstatement using Form MCSA–1, pay a $10 fee and make the applicable insurance filing. The Agency assumed that the cost of this requirement is minimal, and is approximately equal to that of filing proof of insurance ($4). The Agency determined that it incurs slightly less than $10 per request to process reinstatement requests. The $10 reinstatement fee will be sufficient to defray Agency processing costs. FMCSA calculated savings by non-exempt for-hire carriers, brokers and freight forwarders applying for reinstatement by multiplying the $70 reduction in fees for these carriers by the number of affected carriers to arrive at a 10-year discounted saving of $4,958,302. This industry benefit will be offset by an equal cost to the Agency due to the loss of revenues from the fees.

Reinstatement for Exempt For-Hire and Private HM Carriers

Under the current system, exempt for-hire and private HM carriers do not file insurance-related reinstatements. Under the URS established in today's final rule, these carriers will pay a $10 fee and file updated information. Using 2008 MCMIS data, FMCSA calculated that 2.58 percent of exempt for-hire and private HM carriers would let their insurance coverage lapse and later file reinstatement requests. The Agency determined that it incurs slightly less than $10 per request to process reinstatement requests. The $10 reinstatement fee will be sufficient to defray Agency processing costs. FMCSA calculated fees associated with this activity by multiplying the $10 fee by the number of affected carriers to arrive at a 10-year discounted cost of $150,176. This industry cost will be offset by an equal benefit to the Agency due to the gain in revenues from the fees.

There is a resource cost to industry associated with making these

reinstatement requests. As noted above, FMCSA assumed that the costs associated with completing the applicable filings would equal the costs associated with filing proof of insurance and process agent designations ($4). FMCSA calculated discounted costs to industry of $60,070 associated with filing activities over the 10-year analysis period.

FMCSA calculated discounted costs to the Agency of $135,158 associated with processing exempt for-hire and private HM carrier reinstatements over the 10-year analysis period.

Cumulative Reinstatement Costs and Benefits

Changes in fees for reinstatement of USDOT Numbers and/or commercial operating authority resulted in a total 10-year saving to industry of $4,808,126. This saving to industry, however, is offset by an equal cost to FMCSA in lost revenues from fees associated with reinstatements. The changes are estimated to result in total 10-year resource costs of $60,070 to industry and $135,158 to FMCSA for a total resource cost to society of $195,229. There are also qualitative benefits to the Agency and the public from these requirements. The extension of the financial responsibility filing and reinstatement of authority requirements to exempt for-hire and private hazmat carriers ensures that the Agency the proper and updated proof and documentation of financial responsibility of those regulated entities. These requirements also ensure that motor carriers will have the incentive to maintain and operate their vehicles in a safe manner and that they will maintain, and provide evidenced of, an appropriate level of financial responsibility for motor vehicles operated on public highways.

E. Transfers and Name Changes

Under the URS, the Agency will no longer require ownership, management, and control certification when processing applicant requests for name, address, or form of business changes. Motor carriers will be required to report changes in management when completing their Form MCSA–1 biennial updates, and will retain their existing USDOT Number. No new or replacement USDOT Numbers will be issued. The Agency estimates that approximately 494 requests for transfers of operating authority will be filed with FMCSA in 2014, based on 2012 data projected to 2014. Each of the carriers who requested a transfer of operating authority paid a $300 filing fee to FMCSA for this activity. Under the URS, FMCSA will not review or approve transfer requests. As indicated above, our statutory authority to approve transfers under former 49 U.S.C. 10926 was eliminated by the ICCTA. The Agency will, however, institute a process under which it will not approve transfers, but will require entities involved in these transfers to notify FMCSA of the transaction by submitting an online Form MCSA–1.

Based on the 2012 data projected to 2014, FMCSA estimated discounted industry benefits of $1,176,535 over 10 years from the elimination of the transfer application fee. This benefit to industry will be offset by an equal cost to the Agency resulting from the loss of revenues from the transfer application fee. Because FMCSA will still require notification of the transfer by both the transferor and the transferee, FMCSA calculated the resource cost for filing the notification of transfers over the 10-year period to arrive at a total cost of $38,236 over 10 years.

FMCSA is eliminating the $14 filing fee currently assessed to non-exempt for-hire motor carriers and others that change their business names. This action will result in a cost savings to industry and a matching cost to the Agency. In 2008, the Agency processed 11,141 name change requests. Based on the 2008 data, projected to 2014, FMCSA estimated 10-year discounted benefits to industry of $1,345,722 over the 10-year period. This $1,345,722 benefit to industry will be offset by an equal cost to the Agency resulting from the loss of name change filing fee revenues.

Elimination of transfer and name change filing fees resulted in a total 10-year cost savings to industry of $2,522,258. The cost savings to industry due to changes in filing fees, however, will be offset by an equal cost to the Agency resulting from reduced revenues from these filing fees. Therefore, the projected societal costs due to elimination of the fees are zero. These changes will result in resource costs of $38,236 to industry. The total reduction in fees for transfers and name changes is the sum of $1,176,535 and $1,345,722, or $2,522,258; this sum is a gain to industry and an equal loss to FMCSA.

F. The New Application Form—MCSA–1

The new Form MCSA–1 will replace existing FMCSA registration forms. There will be a time cost savings for those who presently file multiple application forms. New applicant non-exempt for-hire motor carriers currently file an OP–1 series form and the MCS–150 Form with FMCSA. Property brokers and freight forwarders file an OP–1 series form only. All other entities file forms in the MCS–150 series.

FMCSA estimated an average completion time of just over 20 minutes each [74] for the MCS–150 series forms and 2 hours for the OP–1 forms. FMCSA determined that 56.45 percent of new applicants file OP–1 series forms, and 92.45 percent of new applicants file MCS–150 forms. Based on these percentages, FMCSA calculated the current average new applicant filing completion time as just under 1 hour and 26 minutes.

The Agency is requiring all new applicants except Mexico-domiciled motor carriers requesting to conduct long-haul operations within the United States to file only Form MCSA–1. Based on field testing, FMCSA estimated that it would take those new applicants who would have used the OP–1 Form 2 hours and 10 minutes to complete the new form. The FMCSA assumes that the time required for entities who would have used only the MCS–150 or 150B would not change if they used the MCSA–1 Form instead. Multiplying 2 hours and 10 minutes by 56.45 percent (the percent of new applicants that file OP–1 series forms), and adding just over 20 minutes times the difference between 92.45 percent (the percent of new applicants that file MCS–150 forms) and 56.45 percent yields just over 1 hour and 20 minutes. Thus, FMCSA estimated a weighted average time savings of almost 6 minutes for each new applicant (that is, just under 1 hour and 26 minutes minus just over 1 hour and 20 minutes).

Using its adjusted average hourly wage estimate for drivers [75] and its projection of new applicants, FMCSA estimated a 10-year discounted resource cost savings to industry of $1,354,631 attributable to completing the new MCSA–1 Form instead of the forms it will replace.

FMCSA also calculated Agency time saved associated with processing the new MCSA–1 Form. Based on the Agency's estimate that, due to reductions in data entry, it would save 20 minutes of processing time from not using the OP–1 series form, and its

[74] The MCS–150 Form has been estimated to require 20 minutes, and the MCS–150B Form a slightly longer 26 minutes. Because only about 2 percent of carriers file the MCS–150B, the average is very close to 20 minutes. There is also an MCS–150C Form, but it is much less frequently used.

[75] **Note:** This activity may be performed by someone other than a driver. However, FMCSA assumed the person performing the activity would earn a wage similar to that of a driver and used the driver wage rate as the best indicator of cost for this activity.

determination that 56.45 percent of new applicants file the form, FMCSA estimated an 11-minute time savings per applicant. The Agency multiplied the adjusted average hourly wage estimate for the Agency by the time saved processing the new MCSA–1 Form and the number of annual new applicants to obtain a 10-year discounted resource cost savings of $3,391,089.

These changes are estimated to result in total 10-year resource cost savings to industry of $1,354,621 and resource cost savings to FMCSA of $3,391,089. The sum of the resource cost savings to industry and FMCSA equals $4,745,720, which is the total benefit to society.

G. Mandatory Electronic Filing of the MCSA–1

By requiring electronic submissions, FMCSA expects to reduce processing costs. Electronic submissions have the additional benefit of reducing erroneous data through automated data quality checks and increasing the transparency of the data included in the URS. The Agency believes that the cost savings resulting from reduced labor time and paperwork, and the benefits associated with reducing erroneous data and improving data transparency, would be difficult to achieve without mandating electronic filing. This change, however, could impose a burden on entities that do not have the means to file electronically or that do not wish to file electronically.

To assess this potential burden, and to determine what alternatives to electronic filing would be available to small entities, FMCSA conducted a detailed cost-benefit analysis, ''Report on Benefits and Costs of Mandatory Electronic Filing for FMCSA's Unified Registration System,'' which is included as Appendix A to the regulatory evaluation. The Agency calculated costs and benefits associated with electronic filing by using estimates of the amount of time required to file the form and the number of expected applicants. The present value of the benefits resulting from mandatory electronic filing is $20,922,981 in benefits to FMCSA. The industry experiences a resource cost from mandatory electronic filing of $538,894. Thus, the net present value of the benefits associated with requiring mandatory electronic filing less the costs results in a total net benefit to society of $20,384,087 over a 10-year period.

VIII. Rulemaking Analyses and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures as Supplemented by E.O. 13563

FMCSA has determined that this rule is a significant regulatory action within the meaning of Executive Order 12866, as supplemented by E.O. 13563, and is significant within the meaning of Department of Transportation regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, February 26, 1979) because it is expected to generate significant public interest. However, the estimated economic costs do not exceed the $100 million annual threshold for economic significance. The OMB has reviewed this rule.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act [Pub. L. 96–354, 5 U.S.C. 601–612] requires Federal agencies to take small businesses' concerns into account when developing, writing, publicizing, promulgating, and enforcing regulations. To achieve this, the Act requires that agencies detail how they have met these concerns through a Regulatory Flexibility Analysis (RFA). The Agency listed six elements that were addressed during FMCSA's final rulemaking stage.

(1) A description of the reasons why the Agency is taking this action.

FMCSA takes this action in response to section 103 of the ICCTA, as amended by section 4304 of SAFETEA–LU, which, among other things, requires the Secretary to develop regulations to replace four current identification and registration systems with a single, online, Federal system. The purpose of this rule is to consolidate and simplify current Federal registration processes and to increase public accessibility to data about interstate motor carriers, property brokers, freight forwarders, and other entities. Pursuant to the statutory mandate, FMCSA will charge registration and administrative fees that will enable FMCSA to recoup the costs associated with processing registration applications and administrative filings and maintaining this system.

(2) A succinct statement of the objectives of, and legal basis for, the rule. The ICCTA created a new 49 U.S.C. 13908 directing ''[t]he Secretary, in cooperation with the States, and after notice and opportunity for public comment,'' . . . to ''issue regulations to replace the current Department of Transportation identification number system, the single State registration system under section 14504, the registration system contained in this chapter, and the financial responsibility information system under section 13906 with a single, on-line, Federal system.''

Section 13908(d) of title 49, United States Code (U.S.C.), authorizes the Secretary to establish, under 31 U.S.C. 9701, a fee system for the Unified Carrier Registration System according to certain guidelines providing for fee limits for registration, filing evidence of financial responsibility and filing information regarding agents for service of process.

These directives specifically require FMCSA to undertake some of the actions in this rule. The remaining related changes facilitate the smooth operation of a unified Federal on-line registration system.

(3) A description and, where feasible, an estimate of the number of small entities to which the rule will apply. FMCSA will subject all regulated entities to the rule requirement.[76] Carriers are not required to report revenue to the Agency, but are required to provide the Agency with the number of power units (PU) they operate, when they register with the Agency, and to update this figure biennially. Because FMCSA does not have direct revenue figures for all motor carriers, PUs serve as a proxy to determine the carrier size that would qualify as a small business given the Small Business Administration (SBA) revenue threshold. In order to produce this estimate, it is necessary to determine the average revenue generated by a PU.

With regard to truck PUs, the Agency determined in the Electronic On-Board Recorders and Hours-of-Service Supporting Documents Rulemaking RIA[77] that a PU produces about $174,000 in revenue annually (adjusted for inflation to 2010 dollars).[78] According to the SBA, motor carriers with annual revenue of $25.5 million are considered small businesses.[79] This equates to 147 PUs (146.55 = $25,500,000/$174,000). Thus, FMCSA

[76] Due to data availability issues, FMCSA discusses the determination of a small entity based on revenue for carriers. The burden calculations, however, consider the impacts on all entities engaging in interstate commerce.

[77] FMCSA Regulatory Analysis, ''Electronic On-Board Recorders and Hours of Service Supporting Documents,'' NPRM. FR: 76: 41 (February 1, 2011) p. 5537. (68 FR 22456, April 23, 2003).

[78] GDP Deflator. Available from the Bureau of Economic Analysis online at *http://www.bea.gov/national/nipaweb/TableView.asp?SelectedTable=13&Freq=Qtr&FirstYear=2006&LastYear=2008.*

[79] U.S. Small Business Administration Table of Small Business Size Standards matched to North American Industry Classification (NAIC) System codes, effective August 22, 2008. See NAIC subsector 484, Truck Transportation.

considers motor carriers of property with 147 PUs or fewer to be small businesses for purposes of this analysis. The Agency then looked at the number and percentage of property carriers with recent activity that would fall under that definition (of having 147 PUs or fewer). The results show that at least 99 percent of all interstate property carriers with recent activity have 147 PUs or fewer.[80] This amounts to 515,000 carriers (99 percent of 520,000 active motor carriers = 514,800, rounded to the nearest thousand). Therefore, an overwhelming majority of interstate carriers of property would be considered small entities.

With regards to bus power units, the Agency conducted a preliminary analysis to estimate the average number of power units (PUs) for a small entity earning $7 million annually,[81] based on an assumption that a passenger carrying CMV generates annual revenues of $150,000. This estimate compares reasonably to the estimated average annual revenue per power unit for the trucking industry ($172,000). A lower estimate was used because buses generally do not accumulate as many VMT per power unit as trucks,[82] and it is assumed therefore that they would generate less revenue on average. The analysis concluded that passenger carriers with 47 PUs or fewer ($7,000,000 divided by $150,000/PU = 46.7 PU) would be considered small entities. The Agency then looked at the number and percentage of passenger carriers registered with FMCSA that would fall under that definition (of having 47 PUs or less). The results show that 28,838[83] (or 99 percent) of all active registered passenger carriers have 47 PUs or less. Therefore, the overwhelming majority of passenger carriers would be considered small entities.

This 147 PU figure for trucks would be applicable to private carriers as well: because the sizes of the fleets they are able to sustain are indicative of the overall size of their operations, large CMV fleets can generally only be managed by large firms. There is a risk, however, of overstating the number of small businesses because the operations of some large non-truck or bus firms may require only a small number of CMVs.

This rule will affect roughly 600,000 small carriers with recent activity annually on an ongoing basis.[84] The Agency expects a larger number of affected entities in the first year of the analysis period when exempt for-hire carriers with recent activity and private carriers with recent activity make administrative filings for the first time. The first-year costs of the URS rule on new entrants will be equal to 0.249 percent of average revenue for a trucking motor carrier and 0.286 percent of average revenue for a passenger motor carrier. The first-year costs of the URS rule on carriers with recent activity will be equal to 0.064 percent of average revenue for a trucking motor carrier and 0.073 percent of average revenue for a passenger motor carrier.

(4) A description of the reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record. This rule primarily concerns submission of information to FMCSA in support of registration. While this includes recordkeeping and reporting for non-exempt for-hire carriers, there will only be the replacement of one type of reporting with another. Therefore, there is no increase in reporting or recordkeeping requirements for non-exempt for-hire carriers. Non-exempt for-hire carriers are already required to pay a $300 registration fee, so there will be no change in financial burden for these entities as a result of the Agency's implementation of the rule. Private and exempt for-hire carriers will have the same replacement reporting and recordkeeping requirements as non-exempt for-hire carriers regarding general registration but will also have to designate a process agent for the first time under the rule. Exempt for-hire and private HM carriers will have to file proof of insurance for the first time. These requirements are new but will not impose significant reporting or recordkeeping requirements on the affected entities, as the filings will be made by insurance companies on the carriers' behalf. New entrant exempt for-hire carriers, private carriers, and other entities are not currently required to pay a registration fee but will be required to pay a $300 registration fee under the rule. For nearly all affected entities, this fee will represent a small fraction (well below one percent, even for very small firms that do little more than operate a single truck) of their annual revenues; on an annualized basis the cost will be even smaller. The FMCSA will require property brokers and freight forwarders to register with FMCSA and obtain USDOT Numbers under the rule, which is a new requirement. However, these entities already register with FMCSA and the USDOT Number will simply be a replacement for the MC Numbers or FF Numbers currently issued to brokers and freight forwarders, respectively. The new reporting or recordkeeping requirements will not impose any significant burden. Like non-exempt for-hire carriers, new entrant brokers and freight forwarders are currently required to pay a $300 registration fee, so there will be no change in financial burden on these entities.

The FMCSA does not expect that any special skills for new applicants will be necessary beyond the ability to access the Internet and respond to questions with information about their organization and operations.

(5) An identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with this rule. The FMCSA is aware of Federal rules that may duplicate this rule to some extent for hazardous materials motor carriers required to register. Although some basic identification information may be filed with both FMCSA and PHMSA, another USDOT modal administration, there is no conflict. PHMSA requires shippers and transporters of certain types and quantities of hazardous materials to register in its Hazardous Materials Registration System. Transportation modes required to register with PHMSA include motor carriers, airlines, ship lines, and railroads. The PHMSA Hazardous Materials Registration System cannot be combined with URS because entities other than those under FMCSA jurisdiction must register in PHMSA's system.

(6) A description of any significant alternatives to the rule which minimize any significant impacts on small entities. The Agency has not identified any significant alternatives to the rule that could lessen the burden on small entities without compromising its goals or statutory mandate. Because small businesses are such a large part of the demographic the Agency regulates, providing alternatives to small business to permit noncompliance with FMCSA

[80] MCMIS, as of June 17, 2010.

[81] The SBA increased the annual revenue small business threshold for passenger carriers from $7 million to $14 million in a final rule titled, ''Small Business Standards: Transportation and Warehousing. (77 FR 10943, published February 24, 2012) The preparation of this Regulatory Flexibility Act Analysis preceded the publication of that final rule and the publication of FMCSA's upcoming new motor carrier counts. Both changes are not expected to impact the general conclusions of this Regulatory Flexibility Act Analysis.

[82] FMCSA Large Truck and Bus Crash Facts 2008, Tables 1 and 20; *http://www.fmcsa.dot.gov/facts-research/LTBCF2008/Index-2008LargeTruckandBusCrashFacts.aspx.*

[83] FMCSA MCMIS snapshot on 2/19/2010.

[84] This population estimate originates from tables 1 and 2, above. FMCSA used the median year estimate to account for the net growth in new entrants and the carriers with recent activity.

regulations is not feasible and not consistent with sound public policy.

C. Unfunded Mandates Reform Act of 1995

The final rule will not impose an unfunded Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532 *et seq.*), that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $143.1 million (which is the value equivalent of $100,000,000 in 1995, adjusted for inflation to 2010 levels) or more in any 1 year.

D. National Environmental Policy Act

The Agency analyzed this rule for the purpose of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and determined under our environmental procedures Order 5610.1, issued March 1, 2004 (69 FR 9680), that this action is categorically excluded (CE) under Appendix 2, paragraphs 6(e), 6(h) and 6(y)(2) of the Order from further environmental documentation. The CE under Appendix 2, paragraph 6(e) relates to establishing regulations and actions taken pursuant to the requirements concerning applications for operating authority and certificates of registration. The CE under Appendix 2, paragraph 6(h) relates to establishing regulations and actions taken pursuant to the requirements implementing procedures to collect fees that will be charged for motor carrier registrations and insurance for the following activities: (1) Application filings; (2) records searches; and (3) reviewing, copying, certifying, and related services. The CE under Appendix 2, paragraph 6(y)(2) addresses regulations implementing motor carrier identification and registration reports. In addition, the Agency believes that this rule includes no extraordinary circumstances that will have any effect on the quality of the human environment. Thus, the rule does not require an environmental assessment or an environmental impact statement.

FMCSA also has analyzed this rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement because it involves policy development and rulemaking activities regarding registration of regulated entities with FMCSA for commercial, safety and financial responsibility purposes. *See* 40 CFR 93.153(c)(2)(vi). The changes would not result in any emissions increases nor will they have any potential to result in emissions that are above the general conformity rule's *de minimis* emission threshold levels. Moreover, it is reasonably foreseeable that the actions will not increase total CMV mileage or change the routing of CMVs, how CMVs operate, or the CMV fleet-mix of motor carriers. This rule was mandated under section 103 of the ICCTA. It will consolidate and simplify the Federal registration processes and increase public accessibility to data about interstate and foreign motor carriers, property brokers, freight forwarders, and other entities.

E. Paperwork Reduction Act [85]

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), a Federal Agency must obtain approval from OMB for each collection of information it conducts, sponsors, or requires through regulations. The FMCSA analyzed this rule and determined that its implementation will streamline the information collection burden on motor carriers and other regulated entities, relative to the baseline, or current paperwork collection processes. This includes streamlining the FMCSA registration, insurance, and designation of process agent filing processes and implementing mandatory electronic online filing of these applications, as well as eliminating some outdated filing requirements. Because FMCSA plans to implement new filing requirements upon certain groups of entities during the first year, the initial filing population and corresponding burden is higher than in subsequent years when carriers only need to update the information. This is primarily due to the assumption that all existing private and exempt for-hire carriers will file proof of process agent designation in the first year and the existing private motor carriers transporting hazardous materials interstate and exempt-for-hire carriers will file evidence of insurance, as a result of the new requirements set forth in this rule. However, once the initial process agent and insurance filing requirements for existing carriers are met, the overall net result will be a more streamlined process in future years for FMCSA registration of motor carriers, brokers, freight-forwarders, and other entities the Agency regulates.

This rule will create a new information collection to cover the requirements set forth in FMCSA Form MCSA–1. There are also five approved information collections that will be affected by this rule as follows: (1) OMB Control No. 2126–0013, titled ''Motor Carrier Identification Report;'' (2) OMB Control No. 2126–0015, titled ''Designation of Agents, Motor Carriers, Brokers and Freight Forwarders;'' (3) OMB Control No. 2126–0016, titled ''Licensing Application for Motor Carrier Operating Authority;'' (4) OMB Control No. 2126–0017, titled ''Financial Responsibility, Trucking, and Freight Forwarding;'' and (5) OMB Control No. 2126–0019, titled ''Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers.'' The new MCSA–1 Form will replace the forms covered by 2126–0013, 0016, and 0019. The rule will also increase the number of entities that will be required to file information on process agents (2126–0015) and insurance coverage (2126–0017).

The total burden for the five approved information collections noted above is 225,739 hours. The table below captures the burden hours associated with the five approved information collections.

INFORMATION COLLECTION BURDENS

OMB Approval No.	Burden hours currently approved	Burden hours proposed [1]	Change
2126–NEW	0	205,412	205,412
2126–0013	109,005	0	(109,005)
2126–0015	5,833	60,371	54,538
2126–0016	55,143	0	(55,143)
2126–0017	54,158	68,391	14,233

[85] The calculations presented in this section may be subject to rounding errors.

INFORMATION COLLECTION BURDENS—Continued

OMB Approval No.	Burden hours currently approved	Burden hours proposed [1]	Change
2126–0019	1,600	0	(1,600)
Total	225,739	334,174	108,435

[1] The figures in this column reflect first year information collection burdens. Many of these information collections will significantly decrease in later years.

Note: Numbers may not add due to rounding.

An explanation of how each of the six information collections shown above is affected by this rule is provided below.

OMB Control No. 2126–NEW, titled ''Unified Registration System, Form MCSA–1.'' The new form replaces the forms covered by three existing information collections—OMB Control Numbers 2126–0013, 2126–0016, and 2126–0019. The estimated time to complete the form for purposes of new applicant registration, biennial updates, notification of changes, notification of transfers in operating authority, and reinstatements is 205,412 burden hours [147,038 hours for new applicants (61,280 new motor carriers, brokers, freight forwarders, and other entities × 1.34 hours per form + 48,450 intrastate non-hazmat carriers × 1.34 hours per form) + 55,877 hours for biennial updates (292,000 motor carriers, brokers, freight forwarders, and other entities + 43,265 intrastate non-hazmat applicants required to file in year one × 10 minutes per form, divided by 60 minutes/hr) + 2,017 hours for name/address change requests (12,103 requests × 0.167 hours) + 165 hours for notification of transfer (987 × 0.167 hours) + 315 reinstatements (1,891 × 0.167 hours)].

OMB Control No. 2126–0013, titled ''Motor Carrier Identification Report, Applications for USDOT Number.'' All of the requirements under this information collection covering the MCS–150, MCS–150B, and MCS–150C forms are folded into OMB Control No. 2126–NEW (see above) and the forms replaced by the MCSA–1 Form. Forms MCS–150 and OP–1(MX) will be retained for the small number of Mexico-domiciled carriers that seek authority to operate beyond the United States municipalities on the United States-Mexico border and their commercial zones because they are not included within the scope of the URS rule.

OMB Control No. 2126–0015, titled ''Designation of Agents, Motor Carriers, Brokers, and Freight Forwarders.'' This information collection, which requires motor carriers and others to designate process agents that can be served with legal papers, was approved at 5,833 burden hours. This information collection increased to 60,371 burden hours [327,226 new applicants × 10 minutes per filing/60 minutes/hr + 35,000 currently file the BOC–3 × 10 minutes per filing/60 minutes/hr]. This increase was due to FMCSA's proposal to extend the designation of process agent filing requirement to include private motor carriers and exempt for-hire motor carriers. The FMCSA assumed that no existing private or exempt for-hire motor carriers had process agents on file and that all designated agents with FMCSA as a result of the proposed requirements set forth in this rule.

OMB Control No. 2126–0016, titled ''Licensing Applications for Motor Carrier Operating Authority.'' This information collection, which covers for-hire carriers, freight forwarders, and property brokers, was approved at 55,143 burden hours. Under this action, all requirements included in this information collection are folded into OMB Control No. 2126–NEW (see above) and the forms replaced by the MCSA–1. Basic identification information that applicants complete on these forms and MCS–150 forms will only need to be completed once under this rule.

OMB Control No. 2126–0017, titled ''Financial Responsibility—Motor Carriers, Freight Forwarders and Brokers.'' This information collection, which in almost all cases requires insurers to file a certification of coverage for certain entities, was approved at 54,158 burden hours. Changes were required to this information collection due to FMCSA's requirement for exempt for-hire motor carriers and private interstate motor carriers of hazardous materials to file proof of liability insurance with FMCSA. As all but a few of these filings are electronic (self-insurance filings will still be done on paper), the time required is adjusted downward to reflect the efficiencies gained. The revised burden is 68,391 hours [409,149 filings × 10 minutes/60 plus 5 self-insurance filings × 40 hrs].

OMB Control No. 2126–0019, titled ''Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers.'' Under this proposal, the requirements included in this approved information collection for the OP–2 Form, which covers operating authority for Mexico-domiciled carriers that operate solely in the commercial zones on the border, are folded into OMB Control No. 2126–NEW (see above), resulting in a net decrease of 1,600 burden hours.

The actions contained in this rule, affecting five approved information collections and one new information collection, result in a net increase of 108,435 burden hours in the Agency's information collection budget for the first year.

F. Executive Order 12630 (Taking of Private Property)

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

G. Executive Order 12988 (Civil Justice Reform)

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

H. Executive Order 13045 (Protection of Children)

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (April 23, 1997, 62 FR 19885), requires that agencies issuing economically significant rules, which also concern an environmental health or safety risk that an Agency has reason to believe may disproportionately affect children, must include an evaluation of the environmental health and safety effects of the regulation on children. Section 5 of Executive Order 13045 directs an Agency to submit for a covered regulatory action an evaluation of its environmental health or safety effects

on children. This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

I. Executive Order 13132 (Federalism)

This rule has been analyzed in accordance with the principles and criteria in Executive Order 13132, dated August 4, 1999 (64 FR 43255, August 10, 1999). The FMCSA consulted with State licensing agencies participating in its PRISM Program to discuss anticipated impacts of the May 2005 NPRM upon their operations. The Agency has taken into consideration their comments in its decision-making process for this rule. Thus, FMCSA has determined that this rule will not have significant Federalism implications or limit the policymaking discretion of the States.

J. Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

K. Executive Order 13211 (Energy Supply, Distribution, or Use)

FMCSA has analyzed this rule under Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' and has determined that this is not a significant energy action within the meaning of section 4(b) of the Executive Order. This is a procedural action, is not economically significant, and will not have a significant adverse effect on the supply, distribution, or use of energy.

L. Privacy Impact Analysis

The FMCSA conducted a privacy impact assessment of this rule as required by section 522(a)(5) of division H of the FY 2005 Omnibus Appropriations Act, Public Law 108–447, 118 Stat. 3268 (Dec. 8, 2004) [set out as a note to 5 U.S.C. 552a]. The assessment considers any impacts of the final rule on the privacy of information in an identifiable form and related matters. FMCSA has determined that this rule will impact the handling of personally identifiable information (PII). FMCSA has also determined the risks and effects the rulemaking might have on collecting, storing, and sharing PII and has examined and evaluated protections and alternative information handling processes in order to mitigate potential privacy risks. The PIA for this rule is available for review in the docket.

List of Subjects

49 CFR Part 360

Administrative practice and procedure, Brokers, Buses, Freight forwarders, Hazardous materials transportation, Highway safety, Insurance, Motor carriers, Motor vehicle safety, Moving of household goods, Penalties, Reporting and recordkeeping requirements, Surety bonds.

49 CFR Part 365

Administrative practice and procedure, Brokers, Buses, Freight forwarders, Motor carriers, Moving of household goods.

49 CFR Part 366

Brokers, Motor carriers, Freight forwarders, Process agents.

49 CFR Part 368

Administrative practice and procedure, Insurance, Motor carriers.

49 CFR Part 385

Administrative practice and procedure, Highway safety, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

49 CFR Part 387

Buses, Freight, Freight forwarders, Hazardous materials transportation, Highway safety, Insurance, Intergovernmental relations, Motor carriers, Motor vehicle safety, Moving of household goods, Penalties, Reporting and recordkeeping requirements, Surety bonds.

49 CFR Part 390

Highway safety, Intermodal transportation, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

49 CFR Part 392

Highway safety, Motor carriers.

In consideration of the foregoing, FMCSA amends 49 CFR chapter III, parts 360, 365, 366, 368, 385, 387, 390, and 392 as set forth below:

■ 1. Revise part 360 to read as follows:

PART 360—FEES FOR MOTOR CARRIER REGISTRATION AND INSURANCE

Sec.

360.1 Fees for registration-related services.
360.3 Filing fees.
360.5 Updating user fees.

Authority: 31 U.S.C. 9701; 49 U.S.C. 13908; and 49 CFR 1.87.

§ 360.1 Fees for registration-related services.

Certifications and copies of public records and documents on file with the Federal Motor Carrier Safety Administration (FMCSA) will be furnished on the following basis, pursuant to USDOT Freedom of Information Act regulations at 49 CFR part 7:

(a) Certificate of the Director, Office of Management and Information Services, as to the authenticity of documents, $12;

(b) Service involved in locating records to be certified and determining their authenticity, including clerical and administrative work, at the rate of $21 per hour;

(c) Copies of the public documents, at the rate of $.80 per letter size or legal size exposure. A minimum charge of $5 will be made for this service; and

(d) Search and copying services requiring information technology (IT), as follows:

(1) A fee of $50 per hour for professional staff time will be charged when it is required to fulfill a request for electronic data.

(2) The fee for computer searches will be set at the current rate for computer service. Information on those charges can be obtained from the Office of Information Technology (MC–RI).

(3) Printing will be charged at the rate of $.10 per page of computer-generated output with a minimum charge of $1. There will also be a charge for the media provided (e.g., CD ROMs) based on the Agency's costs for such media.

(e) *Exception.* No fee shall be charged under this section to the following entities:

(1) Any Agency of the Federal Government or a State government or any political subdivision of any such government for access to or retrieval of information and data from the Unified Carrier Registration System for its own use; or

(2) Any representative of a motor carrier, motor private carrier, broker, or freight forwarder (as each is defined in 49 U.S.C. 13102) for the access to or retrieval of the information related to such entity from the Unified Carrier Registration System for the individual use of such entity.

§ 360.3 Filing fees.

(a) *Manner of payment.* (1) Except for the insurance fees described in the next sentence, all filing fees must be paid at the time the application, petition, or other document is electronically filed. The service fee for insurance, surety or self-insurer accepted certificate of insurance, surety bond or other instrument submitted in lieu of a broker

surety bond must be charged to an insurance service account established by FMCSA in accordance with paragraph (a)(2) of this section.

(2) *Billing account procedure.* A request must be submitted to the Office of Registration and Safety Information (MC–RS) at *http://www.fmcsa.dot.gov* to establish an insurance service fee account.

(i) Each account will have a specific billing date within each month and a billing cycle. The billing date is the date that the bill is prepared and printed. The billing cycle is the period between the billing date in one month and the billing date in the next month. A bill for each account that has activity or an unpaid balance during the billing cycle will be sent on the billing date each month. Payment will be due 20 days from the billing date. Payments received before the next billing date are applied to the account. Interest will accrue in accordance with 31 CFR 901.9.

(ii) The Federal Claims Collection Standards, including disclosure to consumer reporting agencies and the use of collection agencies, as set forth in 31 CFR part 901, will be utilized to encourage payment where appropriate.

(iii) An account holder who files a petition for bankruptcy or who is the subject of a bankruptcy proceeding must provide the following information to the Office of Registration and Safety Information (MC–RS) at *http://www.fmcsa.dot.gov:*

(A) The filing date of the bankruptcy petition;

(B) The court in which the bankruptcy petition was filed;

(C) The type of bankruptcy proceeding;

(D) The name, address, and telephone number of its representative in the bankruptcy proceeding; and

(E) The name, address, and telephone number of the bankruptcy trustee, if one has been appointed.

(3) Fees will be payable through the U.S. Department of Treasury secure payment system, *Pay.gov,* and are made directly from the payor's bank account or by credit/debit card.

(b) Any filing that is not accompanied by the appropriate filing fee will be rejected.

(c) *Fees not refundable.* Fees will be assessed for every filing listed in the schedule of fees contained in paragraph (f) of this section, titled, ''*Schedule of filing fees,''* subject to the exceptions contained in paragraphs (d) and (e) of this section. After the application, petition, or other document has been accepted for filing by FMCSA, the filing fee will not be refunded, regardless of whether the application, petition, or other document is granted or approved, denied, rejected before docketing, dismissed, or withdrawn.

(d) *Multiple authorities.* (1) A separate filing fee is required for each type of authority sought, for example broker authority requested by an entity that already holds motor property carrier authority or multiple types of authority requested in the same application.

(2) Separate fees will be assessed for the filing of temporary operating authority applications as provided in paragraph (f)(2) of this section, regardless of whether such applications are related to an application for corresponding permanent operating authority.

(e) *Waiver or reduction of filing fees.* It is the general policy of the Federal Motor Carrier Safety Administration not to waive or reduce filing fees except as follows:

(1) Filing fees are waived for an application that is filed by a Federal government agency, or a State or local government entity. For purposes of this section the phrases ''Federal government agency'' or ''government entity'' do not include a quasi-governmental corporation or government subsidized transportation company.

(2) Filing fees are waived for a motor carrier of passengers that receives a grant from the Federal Transit Administration either directly or through a third-party contract to provide passenger transportation under an agreement with a State or local government pursuant to 49 U.S.C. 5307, 5310, 5311, 5316, or 5317.

(3) The FMCSA will consider other requests for waivers or fee reductions only in extraordinary situations and in accordance with the following procedure:

(i) *When to request.* At the time that a filing is submitted to FMCSA, the applicant may request a waiver or reduction of the fee prescribed in this part. Such request should be addressed to the Director, Office of Registration and Safety Information.

(ii) *Basis.* The applicant must show that the waiver or reduction of the fee is in the best interest of the public, or that payment of the fee would impose an undue hardship upon the requester.

(iii) *FMCSA action.* The Director, Office of Registration and Safety Information, will notify the applicant of the decision to grant or deny the request for waiver or reduction.

(f) *Schedule of filing fees:*

Type of proceeding		Fee
Part I: Registration		
(1)	An application for USDOT Registration pursuant to 49 CFR part 390, subpart E.	$300.
(2)	An application for motor carrier temporary authority to provide emergency relief in response to a national emergency or natural disaster following an emergency declaration under § 390.23 of this subchapter.	$100.
(3)	Biennial update of registration.	$0.
(4)	Request for change of name, address, or form of business	$0.
(5)	Request for cancellation of registration	$0.
(6)	Request for registration reinstatement	$10.
(7)	Designation of process agent	$0.
(8)	Notification of Transfer of Operating Authority	$0.
Part II: Insurance		
(9)	A service fee for insurer, surety, or self-insurer accepted certificate of insurance, surety bond, and other instrument submitted in lieu of a broker surety bond.	$10 per accepted certificate, surety bond or other instrument submitted in lieu of a broker surety bond.
(10)	(i) An application for original qualification as self-insurer for bodily injury and property damage insurance (BI&PD).	$4,200.
	(ii) An application for original qualification as self-insurer for cargo insurance.	$420.

§ 360.5 Updating user fees.

(a) *Update.* Each fee established in this subpart may be updated, as deemed necessary by FMCSA.

(b) *Publication and effective dates.* Notice of updated fees shall be published in the **Federal Register** and shall become effective 30 days after publication.

(c) *Payment of fees.* Any person submitting a filing for which a filing fee is established must pay the fee applicable on the date of the filing or request for services.

(d) *Method of updating fees.* Each fee shall be updated by updating the cost components comprising the fee. However, fees shall not exceed the maximum amounts established by law. Cost components shall be updated as follows:

(1) Direct labor costs shall be updated by multiplying base level direct labor costs by percentage changes in average wages and salaries of FMCSA employees. Base level direct labor costs are direct labor costs determined by the cost study in *Regulations Governing Fees For Service,* 1 I.C.C. 2d 60 (1984), or subsequent cost studies. The base period for measuring changes shall be April 1984 or the year of the last cost study.

(2) Operations overhead shall be developed on the basis of current relationships existing on a weighted basis, for indirect labor applicable to the first supervisory work centers directly associated with user fee activity. Actual updating of operations overhead shall be accomplished by applying the current percentage factor to updated direct labor, including current governmental overhead costs.

(3)(i) Office general and administrative costs shall be developed on the basis of current levels costs, i.e., dividing actual office general and administrative costs for the current fiscal year by total office costs for the office directly associated with user fee activity. Actual updating of office general and administrative costs shall be accomplished by applying the current percentage factor to updated direct labor, including current governmental overhead and current operations overhead costs.

(ii) The FMCSA general and administrative costs shall be developed on the basis of current level costs; i.e., dividing actual FMCSA general and administrative costs for the current fiscal year by total Agency expenses for the current fiscal year. Actual updating of FMCSA general and administrative costs shall be accomplished by applying the current percentage factor to updated direct labor, including current governmental overhead, operations overhead and office general and administrative costs.

(4) Publication costs shall be adjusted on the basis of known changes in the costs applicable to publication of material in the **Federal Register** or FMCSA Register.

(e) *Rounding of updated fees.* Updated fees shall be rounded as follows. (This rounding procedure excludes copying, printing and search fees.)

(1) Fees between $1 and $30 shall be rounded to the nearest $1;

(2) Fees between $30 and $100 shall be rounded to the nearest $10;

(3) Fees between $100 and $999 shall be rounded to the nearest $50; and

(4) Fees above $1,000 shall be rounded to the nearest $100.

PART 365—RULES GOVERNING APPLICATIONS FOR OPERATING AUTHORITY

■ 2. The authority citation for part 365 is revised to read as follows:

Authority: 5 U.S.C. 553 and 559; 49 U.S.C. 13101, 13301, 13901–13906, 13908, 14708, 31133, 31138, and 31144; 49 CFR 1.87.

■ 3. Amend § 365.101 by revising paragraphs (a) and (h) to read as follows:

§ 365.101 Applications governed by these rules.

* * * * *

(a) Applications for certificates of motor carrier registration to operate as a motor carrier of property or passengers.

* * * * *

(h) Applications for Mexico-domiciled motor carriers to operate in foreign commerce as for-hire or private motor carriers of property (including exempt items) between Mexico and all points in the United States. Under NAFTA Annex 1, page I–U–20, a Mexico-domiciled motor carrier may not provide point-to-point transportation services, including express delivery services, within the United States for goods other than international cargo.

* * * * *

§ 365.103 [Removed and Reserved]

■ 4. Remove and reserve § 365.103.

■ 5. Revise § 365.105 to read as follows:

§ 365.105 Starting the application process: Form MCSA–1, FMCSA Registration/Update (USDOT Number—Operating Authority Application).

(a) Each applicant must apply for operating authority by electronically filing Form MCSA–1, FMCSA Registration/Update (USDOT Number—Operating Authority Application), to request authority pursuant to 49 U.S.C. 13902, 13903 or 13904 to operate as a:

(1) Motor carrier of property or passengers,

(2) Broker of general commodities or household goods, or

(3) Freight forwarder of general commodities or household goods.

(b) A separate filing fee in the amount set forth at 49 CFR 360.3(f) is required for each type of authority sought in § 365.105(a).

(c) Form MCSA–1 is an electronic application and is available, including complete instructions, from the FMCSA Web site at *http://www.fmcsa.dot.gov* (Keyword ''MCSA–1'').

■ 6. Revise § 365.107 to read as follows:

§ 365.107 Types of applications.

(a) *Fitness applications.* Motor property applications and certain types of motor passenger applications require the finding that the applicant is fit, willing and able to perform the involved operations and to comply with all applicable statutory and regulatory provisions. These applications can be opposed only on the grounds that applicant is not fit [e.g., is not in compliance with applicable financial responsibility and safety fitness requirements]. These applications are:

(1) Motor carrier of property (except household goods).

(2) Broker of general commodities or household goods.

(3) Certain types of motor carrier of passenger applications as described in Form MCSA–1.

(b) Motor carrier of passenger ''public interest'' applications as described in Form MCSA–1.

(c) Intrastate motor passenger applications under 49 U.S.C. 13902(b)(3) as described in Form MCSA–1.

(d) Motor carrier of household goods applications, including Mexico- or non-North America-domiciled carrier applicants. In addition to meeting the fitness standard under paragraph (a) of this section, an applicant seeking authority to operate as a motor carrier of household goods must:

(1) Provide evidence of participation in an arbitration program and provide a copy of the notice of the arbitration program as required by 49 U.S.C. 14708(b)(2);

(2) Identify its tariff and provide a copy of the notice of the availability of that tariff for inspection as required by 49 U.S.C. 13702(c);

(3) Provide evidence that it has access to, has read, is familiar with, and will observe all applicable Federal laws relating to consumer protection, estimating, consumers' rights and

responsibilities, and options for limitations of liability for loss and damage; and

(4) Disclose any relationship involving common stock, common ownership, common management, or common familial relationships between the applicant and any other motor carrier, freight forwarder, or broker of household goods within 3 years of the proposed date of registration.

(e) Temporary authority (TA) for motor carriers. These applications require a finding that there is or soon will be an immediate transportation need that cannot be met by existing carrier service.

(1) Applications for TA will be entertained only when an emergency declaration has been made pursuant to § 390.23 of this subchapter.

(2) Temporary authority must be requested by filing Form MCSA–1.

(3) Applications for temporary authority are not subject to protest.

(4) Motor carriers granted temporary authority must comply with financial responsibility requirements under part 387 of this subchapter.

(5) Only a U.S.-domiciled motor carrier is eligible to receive temporary authority.

■ 7. Amend § 365.109 by revising paragraphs (a)(5) and (6) and (b) to read as follows:

§ 365.109 FMCSA review of the application.

(a) * * *

(5) All applicants must file the appropriate evidence of financial responsibility pursuant to 49 CFR part 387 within 90 days from the date notice of the application is published in the FMCSA Register:

(i) *Form BMC–91 or 91X or BMC 82 surety bond*—Bodily injury and property damage (motor property and passenger carriers; and freight forwarders that provide pickup or delivery service directly or by using a local delivery service under their control).

(ii) *Form BMC–84*—Surety bond or *Form BMC–85*—trust fund agreement (property brokers of general commodities and household goods).

(iii) *Form BMC–34 or BMC 83 surety bond*—Cargo liability (household goods motor carriers and household goods freight forwarders).

(6) Applicants also must submit Form BOC–3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders—within 90 days from the date notice of the application is published in the FMCSA Register.

* * * * *

(b) A summary of the application will be published in the FMCSA Register to give notice to the public in case anyone wishes to oppose the application.

■ 8. Add § 365.110 to read as follows:

§ 365.110 Need to complete New Entrant Safety Assurance Program.

For motor carriers operating commercial motor vehicles as defined in 49 U.S.C. 31132, operating authority obtained under procedures in this part does not become permanent until the applicant satisfactorily completes the New Entrant Safety Assurance Program in part 385 of this subchapter.

■ 9. Amend § 365.111 by revising paragraph (a) to read as follows:

§ 365.111 Appeals to rejections of the application.

(a) An applicant has the right to appeal rejection of the application. The appeal must be filed at the FMCSA, Office of Registration and Safety Information, 1200 New Jersey Ave. SE., Washington, DC 20590, within 10 days of the date of the letter of rejection.

* * * * *

■ 10. Revise § 365.119 to read as follows:

§ 365.119 Opposed applications.

If the application is opposed, opposing parties are required to send a copy of their protest to the applicant and to FMCSA. All protests must include statements made under oath (verified statements). There are no personal appearances or formal hearings.

■ 11. Revise § 365.201 to read as follows:

§ 365.201 Definitions.

A person wishing to oppose a request for operating authority files a *protest.* A person filing a valid protest is known as a *protestant.*

■ 12. Revise § 365.203 to read as follows:

§ 365.203 Time for filing.

A protest shall be filed (received at the FMCSA, Office of the Associate Administrator for Research and Information Technology, 1200 New Jersey Ave. SE., Washington, DC 20590) within 10 days after notice of the application appears in the FMCSA Register. A copy of the protest shall be sent to applicant's representative at the same time. Failure timely to file a protest waives further participation in the proceeding.

§ 365.301 [Removed and Reserved]

■ 13. Remove and reserve § 365.301.

■ 14. Revise Subpart D to read as follows:

Subpart D—Transfers of Operating Authority

Sec.
365.401 Scope of rules.
365.403 Definitions.
365.405 Reporting requirement.

Subpart D—Transfers of Operating Authority

§ 365.401 Scope of rules.

The rules in this subpart define the procedures for motor carriers, property brokers, and freight forwarders to report to FMCSA transactions that result in the transfer of operating authority and are not subject to approval by the U.S. Surface Transportation Board under 49 U.S.C. 14303.

§ 365.403 Definitions.

For the purposes of this subpart, the following definitions apply:

(a) *Transfer.* A transfer means any transaction in which an operating authority issued to one person is taken over by another person or persons who assume legal responsibility for the operations. Such transactions include a purchase of all or some of the assets of a company, a merger of two or more companies, or acquisition of controlling interest in a company through a purchase of company stock.

(b) *Operating authority.* Operating authority means a registration required by 49 U.S.C. 13902 issued to motor carriers; 49 U.S.C. 13903 issued to freight forwarders; and 49 U.S.C. 13904 issued to brokers.

(c) *Person.* An individual, partnership, corporation, company, association, or other form of business, or a trustee, receiver, assignee, or personal representative of any of these entities.

§ 365.405 Reporting requirement.

(a) Every transfer of operating authority from one person to another person must be reported by both the transferee and transferor on Form MCSA–1, in accordance with § 390.201(d)(5) of this subchapter.

(b) The following information must be furnished:

(1) Full name, address and USDOT Numbers of the transferee and transferor.

(2) A copy of the operating authority being transferred.

■ 15. Amend § 365.507 by revising paragraph (e)(2) to read as follows:

§ 365.507 FMCSA action on the application.

* * * * *

(e) * * *

(2) Electronically file, or have its process agent(s) electronically file, Form BOC–3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders, as required by part 366 of this subchapter; and

* * * * *

■ 16. Amend § 365.509 by revising paragraph (a) to read as follows:

§ 365.509 Requirement to notify FMCSA of change in applicant information.

(a) A motor carrier subject to this subpart must notify FMCSA of any changes or corrections to the information in parts I, IA, or II of Form OP–1(MX), or in Form BOC–3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders, during the application process or after having been granted provisional operating authority. The carrier must notify FMCSA in writing within 30 days of the change or correction.

* * * * *

PART 366—DESIGNATION OF PROCESS AGENT

■ 17. The authority citation for part 366 is revised to read as follows:

Authority: 49 U.S.C. 502, 503, 13303, 13304 and 13908; and 49 CFR 1.87.

■ 18. Revise § 366.1 to read as follows:

§ 366.1 Applicability.

The rules in this part, relating to the filing of designations of persons upon whom court or Agency process may be served, apply to for-hire and private motor carriers, brokers, freight forwarders and, as of the moment of succession, their fiduciaries (as defined at 49 CFR 387.319(a)).

■ 19. Effective April 25, 2016, revise § 366.2 to read as follows:

§ 366.2 Form of designation.

(a) Designations shall be made on Form BOC–3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders. Only one completed current form may be on file. It must include all States for which agent designations are required. One copy must be retained by the carrier, broker or freight forwarder at its principal place of business.

(b) Private motor carriers and for-hire motor carriers engaged in transportation exempt from economic regulation by FMCSA under 49 U.S.C. chapter 135 that are registered with FMCSA as of October 22, 2013 must file a Form BOC–3 designation by no later than April 25, 2016. Failure to file a designation in accordance with this paragraph will result in deactivation of the carrier's USDOT Number.

■ 20. Revise § 366.3 to read as follows:

§ 366.3 Eligible persons.

All persons (as defined at 49 U.S.C. 13102(18)) designated as process agents must reside in or maintain an office in the State for which they are designated. If a State official is designated, evidence of his or her willingness to accept service of process must be furnished.

■ 21. Revise § 366.4 to read as follows:

§ 366.4 Required States.

(a) *Motor carriers.* Every motor carrier must designate process agents for all 48 contiguous States and the District of Columbia, unless its operating authority registration is limited to fewer than 48 States and DC When a motor carrier's operating authority registration is limited to fewer than 48 States and DC, it must designate process agents for each State in which it is authorized to operate and for each State traversed during such operations. Every motor carrier operating in the United States in the course of transportation between points in a foreign country shall file a designation for each State traversed.

(b) *Brokers.* Every broker shall make a designation for each State, including DC, in which its offices are located or in which contracts will be written.

(c) *Freight forwarders.* Every freight forwarder shall make a designation for each State, including DC, in which its offices are located or in which contracts will be written.

■ 22. Revise § 366.5 to read as follows:

§ 366.5 Blanket designations.

Where an association or corporation has filed with the FMCSA a list of process agents for each State and DC (blanket agent), motor carriers, brokers and freight forwarders may make the required designations by using the following statement:

I designate those persons named in the list of process agents on file with the Federal Motor Carrier Safety Administration

by _____

(name of association or corporation)

and any subsequently filed revisions thereof, for the States in which this carrier is or may be authorized to operate (or arrange) as an entity of motor vehicle transportation, including States traversed during such operations, except those States for which individual designations are named.

■ 23. Revise § 366.6 to read as follows:

§ 366.6 Cancellation or change.

(a) A designation may be canceled or changed only by a new designation made by the motor carrier, broker, or freight forwarder, or by the process agent or company filing a blanket designation in accordance with § 366.5. However, where a motor carrier, broker or freight forwarder's USDOT Number is inactive for at least 1 year, designation is no longer required and may be canceled without making another designation.

(b) A change to a designation, such as name, address, or contact information, must be reported to FMCSA within 30 days of the change.

(c) Whenever a motor carrier, broker or freight forwarder changes it name, address, or contact information, it must report the change to its process agents and/or the company making a blanket designation on its behalf in accordance with § 366.5 within 30 days of the change.

(d) Whenever a process agent and/or company making a blanket designation on behalf of a motor carrier, broker, or freight forwarder terminates its contract or relationship with the entity, it should report the termination to FMCSA within 30 days of the termination. If process agents and/or blanket agents do not keep their information up to date, FMCSA may withdraw its approval of their authority to make process agent designations with the Agency.

PART 368—APPLICATION FOR A CERTIFICATE OF REGISTRATION TO OPERATE IN MUNICIPALITIES IN THE UNITED STATES ON THE UNITED STATES-MEXICO INTERNATIONAL BORDER OR WITHIN THE COMMERCIAL ZONES OF SUCH MUNICIPALITIES.

■ 24. The authority citation for part 368 is revised to read as follows:

Authority: 49 U.S.C. 13301, 13902 and 13908; Pub. L. 106–159, 113 Stat. 1748; and 49 CFR 1.87.

■ 25. Amend § 368.3 by revising paragraphs (a), (b), and (f) and removing and reserving paragraph (e) to read as follows:

§ 368.3 Applying for a certificate of registration.

(a) If you wish to obtain a certificate of registration under this part, you must electronically file an application that includes the following:

(1) Form MCSA–1—FMCSA Registration/Update (USDOT Number—(Operating Authority Application)).

(2) Form BOC–3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders or indicate on the application that the applicant will use a process agent service that will submit the Form BOC–3 electronically.

(b) The FMCSA will only process your application for a Certificate of

Registration if it meets the following conditions:

(1) The application must be completed in English;

(2) The information supplied must be accurate and complete in accordance with the instructions to Form MCSA–1 and Form BOC–3.

(3) The application must include all the required supporting documents and applicable certifications set forth in the instructions to Form MCSA–1 and Form BOC–3.

* * * * *

(e) [Reserved]

(f) Form MCSA–1 is an electronic application and is available, including complete instructions, from the FMCSA Web site at *http://www.fmcsa.dot.gov* (Keyword ''MCSA–1'').

■ 26. Amend § 368.4 by revising paragraph (a) to read as follows:

§ 368.4 Requirement to notify FMCSA of change in applicant information.

(a) You must notify FMCSA of any changes or corrections to the information in Section A of Form MCSA–1—FMCSA Registration/Update (USDOT Number—Operating Authority Application), or the Form BOC–3, Designation of Agents-Motor Carriers, Brokers and Freight Forwarders, during the application process or while you have a Certificate of Registration. You must notify FMCSA in writing within 30 days of the change or correction.

* * * * *

■ 27. Revise § 368.8 to read as follows:

§ 368.8 Appeals.

An applicant has the right to appeal denial of the application. The appeal must be in writing and specify in detail why the Agency's decision to deny the application was wrong. The appeal must be filed with the FMCSA, Office of Registration and Safety Information within 20 days of the date of the letter denying the application. The decision of the Director will be the final Agency order.

PART 385—SAFETY FITNESS PROCEDURES

■ 28. The authority citation for part 385 is revised to read as follows:

Authority: 49 U.S.C. 113, 504, 521(b), 5105(e), 5109, 5113, 13901–13905, 13908, 31136, 31144, 31148, 31151, and 31502; Sec. 350 of Pub. L. 107–87; and 49 CFR 1.87.

■ 29. Revise § 385.301 to read as follows:

§ 385.301 What is a motor carrier required to do before beginning interstate operations?

(a) Before a motor carrier of property or passengers begins interstate operations, it must register with FMCSA and receive a USDOT Number. In addition, for-hire motor carriers must obtain operating authority from FMCSA, unless exclusively providing transportation exempt from the commercial registration requirements in 49 U.S.C. chapter 139. Both the USDOT Number and operating authority are obtained by following registration procedures described in 49 CFR part 390, subpart E. Part 365 of this chapter provides detailed instructions for obtaining operating authority.

(b) This subpart applies to motor carriers domiciled in the United States and Canada.

(c) The regulations in this subpart do not apply to a Mexico-domiciled motor carrier. A Mexico-domiciled motor carrier of property or passengers must register with FMCSA by following the registration procedures described in 49 CFR parts 365, 368 and 390. Parts 365 (for long-haul carriers) and 368 (for commercial zone carriers) of this chapter provide detailed information about how a Mexico-domiciled motor carrier may obtain operating authority.

■ 30. Revise § 385.303 to read as follows:

§ 385.303 How does a motor carrier register with the FMCSA?

A motor carrier registers with FMCSA by completing Form MCSA–1, which is an electronic application that must be completed on-line at the FMCSA Web site at *http://www.fmcsa.dot.gov* (Keyword ''MCSA–1''). Complete instructions for the Form MCSA–1 also are available at the same location.

■ 31. Revise § 385.305 to read as follows:

§ 385.305 What happens after the FMCSA receives a request for new entrant registration?

(a) The applicant for new entrant registration will be directed to the FMCSA Internet Web site (*http://www.fmcsa.dot.gov*) to secure and/or complete the application package online.

(b) The application package will include the following:

(1) Educational and technical assistance material regarding the requirements of the FMCSRs and HMRs, if applicable.

(2) Form MCSA–1—FMCSA Registration/Update (USDOT Number—Operating Authority Application). This form is used to obtain both a USDOT Number and operating authority.

(c) Upon completion of the application form, the new entrant will be issued an inactive USDOT Number. An applicant may not begin operations nor mark a commercial motor vehicle with the USDOT Number until after the date of the Agency's written notice that the USDOT Number has been activated. Violations of this section may be subject to the penalties under § 392.9b(b) of this chapter.

(d) *Additional requirements for certain for-hire motor carriers.* For-hire motor carriers, unless providing transportation exempt from the commercial registration requirements in 49 U.S.C. chapter 139, must obtain operating authority as prescribed under § 390.201(b) and part 365 of this chapter before operating in interstate commerce.

■ 32. Amend § 385.329 by revising paragraphs (b) introductory text, (b)(1), (c)(1) and (d) to read as follows:

§ 385.329 May a new entrant that has had its USDOT new entrant registration revoked and its operations placed out of service reapply?

* * * * *

(b) If the USDOT new entrant registration was revoked because of a failed safety audit, the new entrant must do all of the following:

(1) Submit an updated Form MCSA–1.

* * * * *

(c) * * *

(1) Submit an updated Form MCSA–1.

* * * * *

(d) If the new entrant is a for-hire motor carrier subject to the registration provisions of 49 U.S.C. chapter 139 and also has had its operating authority revoked, it must re-apply for operating authority as set forth in § 390.201(b) and part 365 of this chapter.

■ 33. Revise § 385.405 to read as follows:

§ 385.405 How does a motor carrier apply for a safety permit?

(a) *Application form.* (1) To apply for a new safety permit or renewal of the safety permit, a motor carrier must complete and submit Form MCSA–1—FMCSA Registration/Update (USDOT Number—Operating Authority Application) and meet the requirements under 49 CFR part 390, subpart E.

(2) The Form MCSA–1 also will also satisfy the requirements for obtaining and renewing a USDOT Number.

(b) *Where to get forms and instructions.* Form MCSA–1 is an electronic application and is available, including complete instructions, from the FMCSA Web site at *http://www.fmcsa.dot.gov* (Keyword ''MCSA–1'').

(c) *Signature and certification.* An official of the motor carrier must sign and certify that the information is

correct on each form the motor carrier submits.

(d) *Updating information.* A motor carrier holding a safety permit must report to FMCSA any change in the information on its Form MCSA–1 within 30 days of the change. The motor carrier must use Form MCSA–1 to report the new information.

■ 34. Amend § 385.409 by revising paragraph (a) to read as follows:

§ 385.409 When may a temporary safety permit be issued to a motor carrier?

(a) *Temporary safety permit.* If a motor carrier does not meet the criteria of § 385.407(a), FMCSA may issue it a temporary safety permit. To obtain a temporary safety permit, a motor carrier must certify on Form MCSA–1 that it is operating in full compliance with the HMRs, with the FMCSRs, and/or comparable State regulations, whichever is applicable; and with the minimum financial responsibility requirements in part 387 of this subchapter or in State regulations, whichever is applicable.

* * * * *

■ 35. Revise § 385.419 to read as follows:

§ 385.419 How long is a safety permit effective?

Unless suspended or revoked, a safety permit (other than a temporary safety permit) is effective for two years, except that:

(a) A safety permit will be subject to revocation if a motor carrier fails to submit a renewal application (Form MCSA–1) in accordance with the schedule set forth for filing Form MCSA–1 in part 390, subpart E, of this subchapter; and

(b) An existing safety permit will remain in effect pending FMCSA's processing of an application for renewal if a motor carrier submits the required application (Form MCSA–1) in accordance with the schedule set forth in part 390, subpart E, of this subchapter.

■ 36. Amend § 385.421 by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 385.421 Under what circumstances will a safety permit be subject to revocation or suspension by FMCSA?

(a) * * *

(1) A motor carrier fails to submit a renewal application (Form MCSA–1) in accordance with the schedule set forth in part 390, subpart E, of this subchapter.

(2) A motor carrier provides any false or misleading information on its application form (Form MCSA–1) or as part of updated information it is providing on Form MCSA–1 (see § 385.405(d)).

■ 37. Revise § 385.603 to read as follows:

§ 385.603 Application.

(a) Each applicant applying under this subpart must submit an application that consists of:

(1) Form MCSA–1, FMCSA Registration/Update (USDOT Number—Operating Authority Application); and

(2) A notification of the means used to designate process agents, either by submission in the application package of Form BOC–3, Designation of Agents—Motor Carriers, Brokers and Freight Forwarders, or a letter stating that the applicant will use a process agent service that will submit the Form BOC–3 electronically.

(b) The FMCSA will process an application only if it meets the following conditions:

(1) The application must be completed in English.

(2) The information supplied must be accurate, complete, and include all required supporting documents and applicable certifications in accordance with the instructions to Form MCSA–1 and Form BOC–3.

(3) The application must include the filing fee payable to the FMCSA in the amount set forth at 49 CFR 360.3(f)(1).

(4) The application must be signed by the applicant.

(c) An applicant must electronically file Form MCSA–1.

(d) Form MCSA–1 is an electronic application and is available, including complete instructions, from the FMCSA Web site at *http://www.fmcsa.dot.gov* (Keyword ''MCSA–1'').

■ 38. Amend § 385.607 by revising paragraph (e)(2) to read as follows:

§ 385.607 FMCSA action on the application.

* * * * *

(e) * * *

(2) File or have its process agent(s) electronically submit, Form BOC–3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders, as required by part 366 of this subchapter.

* * * * *

■ 39. Amend § 385.609 by revising paragraph (a)(2) and removing paragraph (a)(3) to read as follows:

385.609 Requirement to notify FMCSA of change in applicant information.

(a) * * *

(2) A motor carrier subject to this subpart must notify FMCSA of any changes or corrections to the information in Section A of Form MCSA–1 that occur during the application process or after the motor carrier has been granted new entrant registration. The motor carrier must report the changes or corrections within 30 days of the change. The motor carrier must use Form MCSA–1 to report the new information.

* * * * *

■ 40. Amend § 385.713 by revising paragraphs (b) introductory text, (b)(1), (c) introductory text, (c)(1), and (d) to read as follows:

§ 385.713 Reapplying for new entrant registration.

* * * * *

(b) If the provisional new entrant registration was revoked because the new entrant failed to receive a Satisfactory rating after undergoing a compliance review, the new entrant must do all of the following:

(1) Submit an updated Form MCSA–1, FMCSA Registration/Update (USDOT Number—Operating Authority Application);

* * * * *

(c) If the provisional new entrant registration was revoked because FMCSA found the new entrant failed to submit to a compliance review, the new entrant must do all of the following:

(1) Submit an updated Form MCSA–1, FMCSA Registration/Update (USDOT Number—Operating Authority Application);

* * * * *

(d) If the new entrant is a for-hire carrier subject to the registration provisions under 49 U.S.C. 13901 and also has had its operating authority revoked, it must reapply for operating authority as set forth in § 390.201(b) and part 365 of this subchapter.

PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

■ 41. The authority citation for part 387 is revised to read as follows:

Authority: 49 U.S.C. 13101, 13301, 13906, 13908, 14701, 31138, and 31139; and 49 CFR 1.87.

■ 42. Add § 387.19 to subpart A to read as follows:

§ 387.19 Electronic filing of surety bonds, trust fund agreements, certificates of insurance and cancellations.

(a) Insurers of exempt for-hire motor carriers, as defined in § 390.5 of this subchapter, and private motor carriers that transport hazardous materials in interstate commerce must file certificates of insurance, surety bonds, and other securities and agreements with FMCSA electronically in

accordance with the requirements and procedures set forth at § 387.323.

(b) The requirements of this section do not apply to motor carriers excepted under § 387.7(b)(3).

■ 43. Revise § 387.33 to read as follows:

§ 387.33 Financial responsibility, minimum levels.

(a) *General limits.* The minimum levels of financial responsibility referred to in § 387.31 are prescribed as follows:

SCHEDULE OF LIMITS

Public Liability

FOR-HIRE MOTOR CARRIERS OF PASSENGERS OPERATING IN INTERSTATE OR FOREIGN COMMERCE

Vehicle seating capacity	Minimum limits
(1) Any vehicle with a seating capacity of 16 passengers or more, including the driver [1]	$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less, including the driver [2]	1,500,000

[1] [2] Except as provided in § 387.27(b).

(b) *Limits applicable to transit service providers.* Notwithstanding the provisions of paragraph (a) of this section, the minimum level of financial responsibility for a motor vehicle used to provide transportation services within a transit service area located in more than one State under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under 49 U.S.C. 5307, 5310 or 5311, including transportation designed and carried out to meet the special needs of elderly individuals and individuals with disabilities, will be the highest level required for any of the States in which it operates. This paragraph applies to transit service providers that operate in more than one State, as well as transit service providers that operate in only one State but interline with other motor carriers that provide interstate transportation within or outside the transit service area. Transit service providers conducting such operations must register as for-hire passenger carriers under part 365, subpart A and part 390, subpart E, of this subchapter, identify the State(s) in which they operate under the applicable grants, and certify on their registration documents that they have in effect financial responsibility levels in an amount equal to or greater than the highest level required by any of the States in which they are operating under a qualifying grant.

■ 44. Add § 387.43 to subpart B to read as follows:

§ 387.43 Electronic filing of surety bonds, trust fund agreements, certificates of insurance and cancellations.

(a) Insurers of for-hire motor carriers of passengers must file certificates of insurance, surety bonds, and other securities and agreements electronically in accordance with the requirements and procedures set forth at § 387.323.

(b) This section does not apply to motor carriers excepted under § 387.31(b)(3).

■ 45. Amend § 387.301 by revising paragraph (a)(1) to read as follows:

§ 387.301 Surety bond, certificate of insurance, or other securities.

(a) *Public liability.* (1) No for-hire motor carrier or foreign (Mexican) motor private carrier or foreign motor carrier transporting exempt commodities subject to Subtitle IV, part B, chapter 135 of title 49, United States Code, shall engage in interstate or foreign commerce, and no certificate shall be issued to such a carrier or remain in force unless and until there shall have been filed with and accepted by the FMCSA surety bonds, certificates of insurance, proof of qualifications as self-insurer, or other securities or agreements, in the amounts prescribed in § 387.303, conditioned to pay any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance or use of motor vehicles in transportation subject to Subtitle IV, part B, chapter 135 of title 49, U.S.C., or for loss of or damage to property of others, or, in the case of motor carriers of property operating freight vehicles described in § 387.303(b)(2), for environmental restoration.

* * * * *

■ 46. Amend § 387.303 by adding paragraph (b)(1)(iii) to read as follows:

§ 387.303 Security for the protection of the public: Minimum limits.

* * * * *

(b) * * *

(1) * * *

(iii) *Limits applicable to transit service providers.* Notwithstanding the provisions of paragraph (b)(1)(ii) of this section, the minimum level of financial responsibility for a motor vehicle used to provide transportation services within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under 49 U.S.C. 5307, 5310 or 5311, including transportation designed and carried out to meet the special needs of elderly individuals and individuals with disabilities, will be the highest level required for any of the States in which it operates. This paragraph applies to transit service providers who operate in a transit service area located in more than one State, as well as transit service providers who operate in only one State but interline with other motor carriers that provide interstate transportation within or outside the transit service area. Transit service providers conducting such operations must register as for-hire passenger carriers under part 365, subpart A and part 390, subpart E of this subchapter, identify the State(s) in which they operate under the applicable grants, and certify on their registration documents that they have in effect financial responsibility levels in an amount equal to or greater than the highest level required by any of the States in which they are operating under a qualifying grant.

* * * * *

■ 47. Amend § 387.313 by revising paragraphs (b) and (d) to read as follows:

§ 387.313 Forms and procedures.

* * * * *

(b) *Filing and copies.* Certificates of insurance, surety bonds, and notices of cancellation must be filed with the FMCSA at *http://www.fmcsa.dot.gov.*

* * * * *

(d) *Cancellation notice.* Except as provided in paragraph (e) of this section, surety bonds, certificates of insurance, and other securities or agreements shall not be cancelled or withdrawn until 30 days after written notice has been submitted to *http://www.fmcsa.dot.gov* on the prescribed form (Form BMC–35, Notice of Cancellation Motor Carrier Policies of Insurance under 49 U.S.C. 13906, and BMC–36, Notice of Cancellation Motor Carrier and Broker Surety Bonds, as appropriate) by the insurance company, surety or sureties, motor carrier, broker or other party thereto, as the case may be, which period of thirty (30) days shall commence to run from the date such notice on the prescribed form is filed with FMCSA at *http://www.fmcsa.dot.gov.*

* * * * *

■ 48. Revise § 387.323 to read as follows:

§ 387.323 Electronic filing of surety bonds, trust fund agreements, certificates of insurance and cancellations.

(a) Insurers must electronically file forms BMC 34, BMC 35, BMC 36, BMC 82, BMC 83, BMC 84, BMC 85, BMC 91, and BMC 91X in accordance with the

requirements and procedures set forth in paragraphs (b) through (d) of this section.

(b) Each insurer must obtain authorization to file electronically by registering with the FMCSA. An individual account number and password for computer access will be issued to each registered insurer.

(c) Filings must be transmitted online via the Internet at *http://www.fmcsa.dot.gov.*

(d) All registered insurers agree to furnish upon request to the FMCSA a copy of any policy (or policies) and all certificates of insurance, endorsements, surety bonds, trust fund agreements, proof of qualification to self-insure or other insurance filings.

■ 49. Revise § 387.403 to read as follows:

§ 387.403 General requirements.

(a) *Cargo.* A household goods freight forwarder may not operate until it has filed with FMCSA an appropriate surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amounts prescribed at § 387.405, for loss of or damage to household goods.

(b) *Public liability.* A freight forwarder may not perform transfer, collection, or delivery service until it has filed with the FMCSA an appropriate surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amounts prescribed at § 387.405, conditioned to pay any final judgment recovered against such freight forwarder for bodily injury to or the death of any person, or loss of or damage to property (except cargo) of others, or, in the case of freight vehicles described at § 387.303(b)(2), for environmental restoration, resulting from the negligent operation, maintenance, or use of motor vehicles operated by or under its control in performing such service.

■ 50. Amend § 387.413 by revising paragraph (b) to read as follows:

§ 387.413 Forms and procedures.

* * * * *

(b) *Procedure.* Certificates of insurance, surety bonds, and notices of cancellation must be electronically filed with the FMCSA.

* * * * *

■ 51. Revise § 387.419 to read as follows:

§ 387.419 Electronic filing of surety bonds, certificates of insurance and cancellations.

Insurers must electronically file certificates of insurance, surety bonds, and other securities and agreements and notices of cancellation in accordance with the requirements and procedures set forth at § 387.323.

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL

■ 52. The authority citation for part 390 is revised to read as follows:

Authority: 49 U.S.C. 508, 13301, 13902, 13908, 31132, 31133, 31136, 31151, 31502, 31504; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677; sec. 217, Pub. L. 106–159, 113 Stat. 1748, 1767; sec. 4136, Pub. L. 109–59, 119 Stat. 1144, 1745; and 49 CFR 1.87.

■ 53. Revise § 390.3 to read as follows:

§ 390.3 General applicability.

(a) The rules in subchapter B of this chapter are applicable to all employers, employees, and commercial motor vehicles that transport property or passengers in interstate commerce.

(b) The rules in part 383 of this chapter, Commercial Driver's License Standards; Requirements and Penalties, are applicable to every person who operates a commercial motor vehicle, as defined in § 383.5 of this subchapter, in interstate or intrastate commerce and to all employers of such persons.

(c) The rules in part 387 of this chapter, Minimum Levels of Financial Responsibility for Motor Carriers, are applicable to motor carriers as provided in § 387.3 or § 387.27 of this chapter.

(d) *Additional requirements.* Nothing in subchapter B of this chapter shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

(e) *Knowledge of and compliance with the regulations.* (1) Every employer shall be knowledgeable of and comply with all regulations contained in this subchapter that are applicable to that motor carrier's operations.

(2) Every driver and employee involved in motor carrier operations shall be instructed regarding, and shall comply with, all applicable regulations contained in this subchapter.

(3) All motor vehicle equipment and accessories required by this chapter shall be maintained in compliance with all applicable performance and design criteria set forth in this subchapter.

(f) *Exceptions.* Unless otherwise specifically provided, the rules in this subchapter do not apply to—

(1) All school bus operations as defined in § 390.5 except for the provisions of §§ 391.15(e) and 392.80;

(2) Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States;

(3) The occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise;

(4) The transportation of human corpses or sick and injured persons;

(5) The operation of fire trucks and rescue vehicles while involved in emergency and related operations;

(6) The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except for the texting provisions of §§ 391.15(e) and 392.80, and except that motor carriers operating such vehicles are required to comply with §§ 390.15, 390.21(a) and (b)(2), 390.201 and 390.205.

(7) Either a driver of a commercial motor vehicle used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency, if such regulations would prevent the driver from responding to an emergency condition requiring immediate response as defined in § 390.5.

(g) *Motor carriers that transport hazardous materials in intrastate commerce.* The rules in the following provisions of this subchapter apply to motor carriers that transport hazardous materials in intrastate commerce and to the motor vehicles that transport hazardous materials in intrastate commerce:

(1) Part 385, subparts A and E, for carriers subject to the requirements of § 385.403 of this subchapter.

(2) Part 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings, of this subchapter.

(3) Part 387, Minimum Levels of Financial Responsibility for Motor Carriers, to the extent provided in § 387.3 of this subchapter.

(4) Subpart E of this part, Unified Registration System, and § 390.21, Marking of CMVs, for carriers subject to the requirements of § 385.403 of this subchapter. Intrastate motor carriers operating prior to January 1, 2005, are excepted from § 390.201.

(h) *Intermodal equipment providers.* The rules in the following provisions of this subchapter apply to intermodal equipment providers:

(1) Subpart F, Intermodal Equipment Providers, of Part 385, Safety Fitness Procedures.

(2) Part 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.

(3) Part 390, Federal Motor Carrier Safety Regulations; General, except § 390.15(b) concerning accident registers.

(4) Part 393, Parts and Accessories Necessary for Safe Operation.

(5) Part 396, Inspection, Repair, and Maintenance.

(i) *Brokers.* The rules in the following provisions of this subchapter apply to brokers that are required to register with the Agency pursuant to 49 U.S.C. chapter 139.

(1) Part 371, Brokers of Property.

(2) Part 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.

(3) Part 387, Minimum Levels of Financial Responsibility for Motor Carriers, to the extent provided in subpart C of that part.

(4) Subpart E of this part, Unified Registration System.

(j) *Freight forwarders.* The rules in the following provisions of this subchapter apply to freight forwarders that are required to register with the Agency pursuant to 49 U.S.C. chapter 139.

(1) Part 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.

(2) Part 387, Minimum Levels of Financial Responsibility for Motor Carriers, to the extent provided in subpart D of that part.

(3) Subpart E of this part, Unified Registration System.

(k) *Cargo tank facilities.* The rules in subpart C of this part, Unified Registration System, apply to each cargo tank and cargo tank motor vehicle manufacturer, assembler, repairer, inspector, tester, and design certifying engineer that is subject to registration requirements under 49 CFR 107.502 and 49 U.S.C. 5108.

■ 54. Amend § 390.5 by revising the definition of ''Exempt motor carrier'' to read as follows:

§ 390.5 Definitions.

* * * * *

Exempt motor carrier means a person engaged in transportation exempt from economic regulation by the Federal Motor Carrier Safety Administration (FMCSA) under 49 U.S.C. chapter 135 but subject to the safety regulations set forth in this subchapter.

* * * * *

■ 55. Effective November 1, 2013, amend § 390.19 by adding paragraph (b)(4) to read as follows:

§ 390.19 Motor carrier, hazardous material shipper, and intermodal equipment provider identification reports.

* * * * *

(b) * * *

(4) A person that fails to complete biennial updates to the information pursuant to paragraph (b)(2) of this section is subject to the penalties prescribed in 49 U.S.C. 521(b)(2)(B) or 49 U.S.C. 14901(a), as appropriate, and deactivation of its USDOT Number.

* * * * *

■ 56. Effective October 23, 2015, revise § 390.19 to read as follows:

§ 390.19 Motor carrier identification reports for certain Mexico-domiciled motor carriers.

(a) *Applicability.* A Mexico-domiciled motor carrier requesting authority to provide transportation of property or passengers in interstate commerce between Mexico and points in the United States beyond the municipalities and commercial zones along the United States-Mexico international border must file Form MCS–150 with FMCSA as follows:

(b) *Filing schedule.* Each motor carrier must file the appropriate form under paragraph (a) of this section at the following times:

(1) Before it begins operations; and

(2) Every 24 months, according to the following schedule:

USDOT Number ending in	Must file by last day
1	January.
2	February.
3	March.
4	April.
5	May.
6	June.
7	July.
8	August.
9	September.
0	October.

(3) If the next-to-last digit of its USDOT Number is odd, the motor carrier shall file its update in every odd-numbered calendar year. If the next-to-last digit of the USDOT Number is even, the motor carrier shall file its update in every even-numbered calendar year.

(4) A person that fails to complete biennial updates to the information pursuant to paragraph (b)(2) of this section is subject to the penalties prescribed in 49 U.S.C. 521(b)(2)(B) or 49 U.S.C. 14901(a), as appropriate, and deactivation of its USDOT Number.

(c) *Availability of forms.* The Form MCS–150 and complete instructions are available from the FMCSA Web site at *http://www.fmcsa.dot.gov* (Keyword ''MCS–150''); from all FMCSA Service Centers and Division offices nationwide; or by calling 1–800–832–5660.

(d) *Where to file.* The Form MCS–150 must be filed with the FMCSA Office of Registration and Safety Information. The form may be filed electronically according to the instructions at the Agency's Web site, or it may be sent to Federal Motor Carrier Safety Administration, Office of Registration and Safety Information, MC–RS 1200 New Jersey Avenue SE., Washington, DC 20590.

(e) *Special instructions.* A motor carrier should submit the Form MCS–150 along with its application for operating authority (OP–1(MX)), to the appropriate address referenced on that form, or may submit it electronically or by mail separately to the address mentioned in paragraph (d) of this section.

(f) Only the legal name or a single trade name of the motor carrier may be used on the Form MCS–150.

(g)(1) A motor carrier that fails to file the Form MCS–150 or furnishes misleading information or makes false statements upon the form, is subject to the penalties prescribed in 49 U.S.C. 521(b)(2)(B).

(2) A motor carrier that fails to update the Form MCS–150 as required in paragraph (b) will have its USDOT Number deactivated and will be prohibited from conducting transportation.

(h)(1) Upon receipt and processing of the form described in paragraph (a) of this section, FMCSA will issue the motor carrier or intermodal equipment provider an identification number (USDOT Number).

(2) A Mexico-domiciled motor carrier seeking to provide transportation of property or passengers in interstate commerce between Mexico and points in the United States beyond the municipalities and commercial zones along the United States-Mexico international border must pass the pre-authorization safety audit under § 365.507 of this subchapter. The Agency will not issue a USDOT Number until expiration of the protest period provided in § 365.115 of this chapter or—if a protest is received—after FMCSA denies or rejects the protest.

(3) The motor carrier must display the USDOT Number on each self-propelled CMV, as defined in § 390.5, along with the additional information required by § 390.21.

■ 57. Amend § 390.21 by revising paragraph (b)(1) to read as follows:

§ 390.21 Marking of self-propelled CMVs and intermodal equipment.

* * * * *

(b) * * *

(1) The legal name or a single trade name of the motor carrier operating the self-propelled CMV, as listed on the Form MCSA–1 or the motor carrier identification report (Form MCS–150) and submitted in accordance with § 390.201 or § 390.19, as appropriate.

* * * * *

■ 58. Amend § 390.40 by revising paragraph (a) to read as follows:

§ 390.40 What responsibilities do intermodal equipment providers have under the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399)?

* * * * *

(a) Identify its operations to the FMCSA by filing the Form MCSA–1 required by § 390.201.

* * * * *

■ 59. Add a new subpart E, consisting of §§ 390.201 through 390.209, to part 390 to read as follows:

Subpart E—Unified Registration System

Sec.
390.201 USDOT Registration.
390.203 PRISM State registration/biennial updates.
390.205 Special requirements for registration.
390.207 Other governing regulations.
390.209 Pre-authorization safety audit.

Subpart E—Unified Registration System

§ 390.201 USDOT Registration.

(a) *Purpose.* This section establishes who must register with FMCSA under the Unified Registration System, the filing schedule, and general information pertaining to persons subject to the Unified Registration System registration requirements.

(b) *Applicability.* (1) Except as provided in paragraph (g) of this section, each motor carrier (including a private motor carrier, an exempt for-hire motor carrier, a non-exempt for-hire motor carrier, and a motor carrier of passengers that participates in a through ticketing arrangement with one or more interstate for-hire motor carriers of passengers), intermodal equipment provider, broker and freight forwarder subject to the requirements of this subchapter must file Form MCSA–1 with FMCSA to:

(i) Identify its operations with the Federal Motor Carrier Safety Administration for safety oversight, as authorized under 49 U.S.C. 31144, as applicable;

(ii) Obtain operating authority required under 49 U.S.C. chapter 139, as applicable; and

(iii) Obtain a hazardous materials safety permit as required under 49 U.S.C. 5109, as applicable.

(2) A cargo tank and cargo tank motor vehicle manufacturer, assembler, repairer, inspector, tester, and design certifying engineer that is subject to registration requirements under 49 CFR 107.502 and 49 U.S.C. 5108 must satisfy those requirements by electronically filing Form MCSA–1 with FMCSA.

(c) *General* (1)(i) A person that fails to file Form MCSA–1 pursuant to paragraph (d)(1) of this section is subject to the penalties prescribed in 49 U.S.C. 521(b)(2)(B) or 49 U.S.C. 14901(a), as appropriate.

(ii) A person that fails to complete biennial updates to the information pursuant to paragraph (d)(2) of this section is subject to the penalties prescribed in 49 U.S.C. 521(b)(2)(B) or 49 U.S.C. 14901(a), as appropriate, and deactivation of its USDOT Number.

(iii) A person that furnishes misleading information or makes false statements upon Form MCSA–1 is subject to the penalties prescribed in 49 U.S.C. 521(b)(2)(B), 49 U.S.C. 14901(a) or 49 U.S.C. 14907, as appropriate.

(2) Upon receipt and processing of Form MCSA–1, FMCSA will issue the applicant an inactive identification number (USDOT Number). FMCSA will activate the USDOT Number after completion of applicable administrative filings pursuant to § 390.205(a), unless the applicant is subject to § 390.205(b). An applicant may not begin operations nor mark a commercial motor vehicle with the USDOT Number until after the date of the Agency's written notice that the USDOT Number has been activated.

(3) The motor carrier must display a valid USDOT Number on each self-propelled CMV, as defined in § 390.5, along with the additional information required by § 390.21.

(d) *Filing schedule.* Each person listed under § 390.201(b) must electronically file Form MCSA–1 at the following times:

(1) Before it begins operations; and

(2) Every 24 months as prescribed in paragraph (d)(3) of this section.

(3) (i) Persons assigned a USDOT Number must file an updated Form MCSA–1 every 24 months, according to the following schedule:

USDOT Number ending in	Must file by last day of
1	January.
2	February.
3	March.
4	April.
5	May.
6	June.
7	July.
8	August.
9	September.
0	October.

(ii) If the next-to-last digit of its USDOT Number is odd, the person must file its update in every odd-numbered calendar year. If the next-to-last digit of the USDOT Number is even, the person must file its update in every even-numbered calendar year.

(4) *When there is a change in legal name, form of business, or address.* A registered entity must notify the Agency of a change in legal name, form of business, or address within 30 days of the change by filing an updated Form MCSA–1 reflecting the revised information. Notification of a change in legal name, form of business, or address does not relieve a registered entity from the requirement to file an updated Form MCSA–1 every 24 months in accordance with paragraph (d)(3) of this section.

(5) *When there is a transfer of operating authority.* (i) Both a person who obtains operating authority through a transfer, as defined in part 365, subpart D of this subchapter (transferee), and the person transferring its operating authority (transferor), must each notify the Agency of the transfer within 30 days of consummation of the transfer by filing:

(A) An updated Form MCSA–1, for the transferor, and for the transferee, if the transferee had an existing USDOT Number at the time of the transfer; or

(B) A new Form MCSA–1, if the transferee did not have an existing USDOT Number at the time of the transfer.

(C) A copy of the operating authority that is being transferred.

(ii) Notification of a transfer of operating authority does not relieve a registered entity from the requirement to file an updated Form MCSA–1 every 24 months in accordance with paragraph (d)(3) of this section.

(e) *Availability of form.* Form MCSA–1 is an electronic application and is available, including complete instructions, from the FMCSA Web site at *http://www.fmcsa.dot.gov* (Keyword ''MCSA–1'').

(f) *Where to file.* Persons subject to the registration requirements under this subpart must electronically file Form MCSA–1 on the FMCSA Web site at *http://www.fmcsa.dot.gov.*

(g) *Exception.* The rules in this subpart do not govern the application by a Mexico-domiciled motor carrier to provide transportation of property or passengers in interstate commerce

between Mexico and points in the United States beyond the municipalities and commercial zones along the United States-Mexico international border. The applicable procedures governing transportation by Mexico-domiciled motor carriers are provided in § 390.19.

§ 390.203 PRISM State registration/biennial updates.

(a) A motor carrier that registers its vehicles in a State that participates in the Performance and Registration Information Systems Management (PRISM) program (authorized under section 4004 of the Transportation Equity Act for the 21st Century [Pub. L. 105–178, 112 Stat. 107]) alternatively may satisfy the requirements set forth in § 390.201 by electronically filing all the required USDOT registration and biennial update information with the State according to its policies and procedures, provided the State has integrated the USDOT registration/update capability into its vehicle registration program.

(b) If the State procedures do not allow a motor carrier to file the Form MCSA–1 or to submit updates within the period specified in § 390.201(d)(2), a motor carrier must complete such filings directly with FMCSA.

(c) A for-hire motor carrier, unless providing transportation exempt from the commercial registration requirements of 49 U.S.C. chapter 139, must obtain operating authority as prescribed under § 390.201(b) and part 365 of this subchapter before operating in interstate commerce.

§ 390.205 Special requirements for registration.

(a)(1) *General.* A person applying to operate as a motor carrier, broker, or freight forwarder under this subpart must make the additional filings described in paragraphs (a)(2) and (a)(3) of this section as a condition for registration under this subpart within 90 days of the date on which the application is filed:

(2) *Evidence of financial responsibility.* (i) A person that registers to conduct operations in interstate commerce as a for-hire motor carrier, a broker, or a freight forwarder must file evidence of financial responsibility as required under part 387, subparts C and D of this subchapter.

(ii) A person that registers to transport hazardous materials as defined in 49 CFR 171.8 (or any quantity of a material listed as a select agent or toxin in 42 CFR part 73) in interstate commerce must file evidence of financial responsibility as required under part 387, subpart C of this subchapter.

(3) *Designation of agent for service of process.* All motor carriers (both private and for-hire), brokers and freight forwarders required to register under this subpart must designate an agent for service of process (a person upon whom court or Agency process may be served) following the rules in part 366 of this subchapter:

(b) If an application is subject to a protest period, the Agency will not activate a USDOT Number until expiration of the protest period provided in § 365.115 of this subchapter or—if a protest is received—after FMCSA denies or rejects the protest, as applicable.

§ 390.207 Other governing regulations.

(a) *Motor carriers.* (1) A motor carrier granted registration under this part must successfully complete the applicable New Entrant Safety Assurance Program as described in paragraphs (a)(1)(i) through (a)(1)(iii) of this section as a condition for permanent registration:

(i) A U.S.- or Canada-domiciled motor carrier is subject to the new entrant safety assurance program under part 385, subpart D, of this subchapter.

(ii) A Mexico-domiciled motor carrier is subject to the safety monitoring program under part 385, subpart B of this subchapter.

(iii) A Non-North America-domiciled motor carrier is subject to the safety monitoring program under part 385, subpart I of this subchapter.

(2) Only the legal name or a single trade name of the motor carrier may be used on the Form MCSA–1.

(b) *Brokers, freight forwarders and non-exempt for-hire motor carriers.* (1) A broker or freight forwarder must obtain operating authority pursuant to part 365 of this chapter as a condition for obtaining USDOT Registration.

(2) A motor carrier registering to engage in transportation that is not exempt from economic regulation by FMCSA must obtain operating authority pursuant to part 365 of this subchapter as a condition for obtaining USDOT Registration.

(c) *Intermodal equipment providers.* An intermodal equipment provider is subject to the requirements of subpart D of this part.

(1) Only the legal name or a single trade name of the intermodal equipment provider may be used on the Form MCSA–1.

(2) The intermodal equipment provider must identify each unit of interchanged intermodal equipment by its assigned USDOT Number.

(d) *Hazardous materials safety permit applicants.* A person who applies for a hazardous materials safety permit is subject to the requirements of part 385, subpart E, of this subchapter.

(e) *Cargo tank facilities.* A cargo tank facility is subject to the requirements of 49 CFR part 107, subpart F, 49 CFR part 172, subpart H, and 49 CFR part 180.

§ 390.209 Pre-authorization safety audit.

A non-North America-domiciled motor carrier seeking to provide transportation of property or passengers in interstate commerce within the United States must pass the pre-authorization safety audit under § 385.607(c) of this subchapter as a condition for receiving registration under this part.

PART 392—DRIVING OF COMMERCIAL MOTOR VEHICLES

■ 60. The authority citation for part 392 is revised to read as follows:

Authority: 49 U.S.C. 521, 13902, 13908, 31136, 31151, 31502; and 49 CFR 1.87.

■ 61. Effective November 1, 2013, add § 392.9b to read as follows:

§ 392.9b Prohibited transportation.

(a) *USDOT Registration required.* A commercial motor vehicle providing transportation in interstate commerce must not be operated without a USDOT Registration and an active USDOT Number.

(b) *Penalties.* If it is determined that the motor carrier responsible for the operation of such a vehicle is operating in violation of paragraph (a) of this section, it may be subject to penalties in accordance with 49 U.S.C. 521.

Issued under authority delegated under 49 CFR 1.87 on: August 15, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–20446 Filed 8–22–13; 8:45 am]

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Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Frameworks for Early Season Migratory Bird Hunting Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2013–0057; FF09M21200–134–FXMB1231099BPP0]

RIN 1018–AY87

Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final early-season frameworks from which the States, Puerto Rico, and the Virgin Islands may select season dates, limits, and other options for the 2013–14 migratory bird hunting seasons. Early seasons are those that generally open prior to October 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. The effect of this final rule is to facilitate the selection of hunting seasons by the States and Territories to further the annual establishment of the early-season migratory bird hunting regulations.

DATES: This rule takes effect on August 23, 2013.

ADDRESSES: States and Territories should send their season selections to: Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, MS MBSP–4107–ARLSQ, 1849 C Street NW., Washington, DC 20240. You may inspect comments during normal business hours at the Service's office in room 4107, 4501 N. Fairfax Drive, Arlington, Virginia, or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2013–0057.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP–4107–ARLSQ, 1849 C Street NW., Washington, DC 20240; (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2013

On April 9, 2013, we published in the **Federal Register** (78 FR 21200) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2013–14 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the April 9 proposed rule. Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. Subsequent documents will refer only to numbered items requiring attention. Therefore, it is important to note that we omit those items requiring no attention, and remaining numbered items might be discontinuous or appear incomplete.

On June 14, 2013, we published in the **Federal Register** (78 FR 35844) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations. The June 14 supplement also provided detailed information on the 2013–14 regulatory schedule and announced the Service regulations Committee (SRC) and Flyway Council meetings.

On June 19 and 20, 2013, we held open meetings with the Flyway Council Consultants where the participants reviewed information on the current status of migratory shore and upland game birds and developed recommendations for the 2013–14 regulations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 2013–14 regular waterfowl seasons.

On July 26, 2013, we published in the **Federal Register** (78 FR 45376) a third document specifically dealing with the proposed frameworks for early-season regulations. We published the proposed frameworks for late-season regulations (primarily hunting seasons that start after October 1 and most waterfowl seasons not already established) in a late August 2013, **Federal Register**.

This document is the fifth in a series of proposed, supplemental, and final rulemaking documents. It establishes final frameworks from which States may select season dates, shooting hours, and daily bag and possession limits for the 2013–14 season. These selections will be published in the **Federal Register** as amendments to §§ 20.101 through 20.107, and § 20.109 of title 50 CFR part 20.

Population Status and Harvest

Information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds, including detailed information on methodologies and results, is available at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our Web site at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html*

Review of Public Comments

The preliminary proposed rulemaking (April 9 **Federal Register**) opened the public comment period for migratory game bird hunting regulations. Comments concerning early-season issues are summarized below and numbered in the order used in the June 14 **Federal Register** document. Only the numbered items pertaining to early-seasons issues for which we received written comments are included. Consequently, the issues do not follow in consecutive numerical or alphabetical order.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below.

General

Written Comments: Several commenters protested the entire migratory bird hunting regulations process and the killing of all migratory birds.

Service Response: Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, we believe that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received as public comment. While there are problems inherent with any type of representative management of public-trust resources, we believe that the Flyway-Council system of migratory bird management has been a longstanding example of State-Federal cooperative management

since its establishment in 1952. However, as always, we continue to seek new ways to streamline and improve the process.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy; (B) Regulatory Alternatives, including specification of framework dates, season lengths, and bag limits; (C) Zones and Split Seasons; and (D) Special Seasons/Species Management. The categories correspond to previously published issues/discussions, and only those containing substantial recommendations are discussed below.

D. Special Seasons/Species Management

i. Special Teal Seasons

Council Recommendations: The Atlantic, Mississippi, and Central Flyway Councils recommended that the daily bag limit be increased from 4 to 6 teal in the aggregate during the special September teal season. The Atlantic Flyway Council also recommended that we allow Maryland to adjust existing shooting hours during the special September teal season from sunrise to one-half hour before sunrise on an experimental basis during the 2013–15 seasons.

Public Comments: Twenty-five commenters expressed support for increasing the teal daily bag limit from 4 to 6 during the special September season. A waterfowl hunting association expressed support for allowing production States a special teal-only September season in the future.

Service Response: We appreciate the long-standing interest by the Flyway Councils to pursue additional teal harvest opportunity. With this interest in mind, in 2009, the Flyways and Service began to assess the collective results of all teal harvest, including harvest during special September seasons. The Teal Harvest Potential Working Group conducted this assessment work, which included a thorough assessment of the harvest potential for both blue-winged and green-winged teal, as well as an assessment of the impacts of current special September seasons on these two species. Cinnamon teal were subsequently included in this assessment.

In the April 9, 2013, **Federal Register**, we stated that the final report of the Teal Harvest Potential Working Group indicated that additional opportunity could be provided for blue-winged teal and green-winged teal. Therefore, we support recommendations from the Atlantic, Mississippi, and Central Flyway Councils that the daily bag limit be increased from 4 to 6 teal in the aggregate during the special September teal season in 2013–14. However, we will not support additional changes to the structure of the September teal season until specific management objectives for teal have been articulated and a comprehensive, cross-flyway approach to developing and evaluating other potential avenues by which additional teal harvest opportunity can be provided has been completed. We recognize this comprehensive approach may include addition of new hunting seasons (e.g., September teal seasons in northern States), as well as expanded hunting opportunities (e.g., season lengths, bag limits) in States with existing teal seasons. In order to assess the overall effects of these changes, an evaluation plan must be developed that includes specific objectives and is tailored to appropriately address concerns about potential impacts resulting from the type of opportunity offered. We provided detailed guidance for conducting special season evaluations in SEIS 88 (Controlled Use of Special Regulations, pp. 82–83), reaffirmed in SEIS 2013 (Special Regulations, pp. 239–241), which should be used when developing the plan.

We recognize that additional technical and coordination work will need to be accomplished to complete this task; thus, a small technical group comprised of members from the Flyway Councils and Service should be convened. We look forward to working with the Flyway Councils in undertaking the technical work needed to develop regulatory proposals, and would expect a progress report on such work at the February 2014 Service Regulations Committee meeting.

In the interest of guiding State and Federal workloads and facilitating a timely process for providing additional teal harvest opportunity, we provide the following initial considerations. First, we have stated that the primary focus of special season regulations is underutilized species and/or stocks whose migration and distribution provide opportunities outside the time period in which regular seasons are held, and where such harvest can occur without appreciable impacts to non-target species (see *Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds* (EIS No. 20130139) for further details). Although the Teal Harvest Potential Working Group's report documented the existence of additional blue-winged and green-winged teal harvest opportunity, we believe the unique migration behavior of blue-winged teal presents the opportunity to isolate only that species both temporally and geographically, consistent with the intent of special regulations. Consequently, regulatory proposals to increase teal harvest should direct harvest primarily at blue-winged teal.

Second, previous alternatives to provide additional teal harvest opportunities have included bonus teal, special September duck seasons in Iowa, and Special September teal/wood duck seasons. Following implementation of the SEIS 88 regarding the sport hunting of migratory birds, all of these efforts were reviewed. Assessments of special hunting opportunities, including September teal seasons and bonus teal bags, were conducted. The results of these reviews indicated that the September teal seasons could adequately be assessed regarding their effects on migratory birds, but that bonus teal regulations could not. Thus, in the early 1990s, bonus teal bags were no longer offered in the annual duck regulations frameworks. With regard to special September duck seasons, we have previously stated that mixed-species special seasons (as defined in the context of SEIS 88) are not a preferred management approach, and that we do not wish to entertain refinements to this season or foster expansions of this type of season into other States (61 FR 45838, August 29, 1996). Special September teal/wood duck seasons in Florida, Tennessee and Kentucky have been provided in lieu of special September teal seasons and our preference at this time is to maintain that policy. If Flyway Councils wish to pursue these regulatory approaches to providing additional teal harvest opportunity, we request that they provide compelling information as to why such policies and approaches should be reinstated (i.e., bonus teal) or expanded/modified (i.e., September duck seasons or September teal/wood duck seasons).

A copy of the teal working group's final report is available on our Web site at either *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html,* or at *http://www.regulations.gov.*

Regarding the regulations for this year, utilizing the criteria developed for the teal season harvest strategy, this year's estimate of 7.7 million blue-winged teal from the traditional survey area indicates that a 16-day September teal season in the Atlantic, Central, and

Mississippi Flyways is appropriate for 2013.

Regarding the Atlantic Flyway Council's request to allow Maryland to adjust existing shooting hours during the special September teal season from sunrise to sunset to one-half hour before sunrise to sunset on an experimental basis, we agree. Since the inception of Maryland's September teal season in 1998, Maryland has utilized shooting hours of sunrise to sunset. Maryland has agreed to conduct hunter performance surveys to assess the impacts of the expanded shooting hours on non-target waterfowl species. The hunter performance survey and assessment criteria will be specified in an agreement between Maryland and the Service.

ii. September Teal/Wood Duck Seasons

Public Comments: The Florida Fish and Wildlife Commission, the Kentucky Department of Fish and Wildlife Resopurces, and the Tennessee Wildlife Resources Commission expressed support for allowing increased harvest opportunity for teal but requested that the Service also increase the daily bag limit from 4 to 6 birds in those States currently offered a special September teal/wood duck season (Florida, Kentucky, and Tennessee). All States expressed concern for the inequity of new teal harvest liberalizations.

Service Response: The special September teal/wood duck season has been offered to Florida, Kentucky, and Tennessee since 1981 in lieu of the special September teal season, and we prefer to maintain that policy. Further, we believe that any modifications to these special September teal/wood duck seasons should be proposed by the Flyway Councils with supporting information as to why such modifications should be made. We have not received any regulatory recommendations from either the Atlantic or Mississippi Flyway Councils to increase the bag limit on teal during these special September teal/wood duck seasons. Thus, we do not support the request to increase the bag limit on teal during the September teal/wood duck season.

2. Sea Ducks

Council Recommendations: The Atlantic Flyway Council recommended that the Service amend the annual waterfowl hunting regulations at 50 CFR 20.105 to allow the shooting of crippled waterfowl from a motorboat under power in New Jersey, North Carolina, South Carolina, and Georgia in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

Service Response: We concur with the Atlantic Flyway's recommendation and note that this provision (which does not appear in the Code of Federal Regulations because of its seasonal nature but is contained in the annual final rule revising 50 CFR 20.105, scheduled to publish in late August) is already allowed in all other Atlantic Flyway States with special sea duck hunting areas. Sea duck hunting areas are typically large, open water areas (i.e., Atlantic Ocean) at least 800 yards from shore where it is not reasonable to use retrieving dogs. Further, all States with sea duck seasons have defined special sea duck hunting areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Mississippi Flyway Council recommended increasing the daily bag limit in Minnesota from 5 geese to 10 geese during the special September season in certain areas of the State. The Council further recommended that there be no possession limits for Canada geese in either special seasons or regular seasons (see 23. Other for further discussion on possession limits).

Service Response: We agree with the Mississippi Flyway Council's request to increase the Canada goose daily bag limit within certain areas that have experienced higher levels of agricultural depredations in Minnesota. The special early Canada goose hunting season is generally designed to reduce or control overabundant resident Canada geese populations. Increasing the daily bag limit from 5 to 10 geese in certain areas may help reduce or control existing high populations of resident Canada geese and associated agricultural depredation problems. Nest and egg permits, airport removal, trap and euthanize, and agricultural shooting permits have all been used in efforts to address damage caused by overabundant Canada geese. In 2012, a record number of shooting permits (234) were issued to landowners dealing with excessive numbers of Canada geese causing agricultural damage.

The breeding population of resident Canada geese in Minnesota has averaged 332,000 Canada geese since 2001, which is 33 percent higher than the goal of 250,000 Canada geese. In 2012, the breeding population estimate was 434,000 Canada geese, which was the highest estimate on record and 74 percent above the population goal. Annual harvest of Canada geese in Minnesota has averaged 220,000 since 2001, with harvest during the September season averaging 98,000 Canada geese. Further, Minnesota has used a variety of methods to increase the harvest of resident Canada geese, including an expanded September season (Sept. 1 through 22) and expanded opportunity during the regular season.

Bag limits for Canada geese above 5 per day during the September season have not yet been used in the Mississippi Flyway during September seasons. Based on bag frequency data from Atlantic Flyway States that have utilized Canada goose daily bag limits of 15 during September seasons, increasing the daily bag limit from 5 to 10 is expected to increase Canada goose harvest approximately 16 percent during the September season. Thus, a daily bag limit of 10 geese implemented Statewide in Minnesota during the September season would be expected to increase the annual harvest from 98,000 to 114,000 during the September season.

B. Regular Seasons

Council Recommendations: The Mississippi Flyway Council recommended that the framework opening date for all species of geese for the regular goose seasons in the Lower Peninsula of Michigan and Wisconsin be September 16, 2013, and in the Upper Peninsula of Michigan be September 11, 2013. The Council further recommended that there be no possession limits for Canada geese throughout the Flyway (see **23. Other** for further discussion on possession limits).

Service Response: We concur with recommended framework opening dates. Michigan, beginning in 1998, and Wisconsin, beginning in 1989, have opened their regular Canada goose seasons prior to the Flyway-wide framework opening date to address resident goose management concerns in these States. As we have previously stated (73 FR 50678, August 27, 2008), we agree with the objective to increase harvest pressure on resident Canada geese in the Mississippi Flyway and will continue to consider the opening dates in both States as exceptions to the general Flyway opening date, to be reconsidered annually. The framework closing date for the early goose season in the Upper Peninsula of Michigan is September 10. By changing the framework opening date for the regular season to September 11 in the Upper Peninsula of Michigan there will be no need to close goose hunting in that area

for 5 days and thus lose the ability to maintain harvest pressure on resident Canada geese. We note that the most recent resident Canada goose estimate for the Mississippi Flyway was a record high 1,767,900 geese during the spring of 2012, 8 percent higher than the 2011 estimate of 1,629,800 geese, and well above the Flyway's population goal of 1.18 to 1.40 million birds.

See **22. Other** for further discussion on possession limits.

9. Sandhill Cranes

Council Recommendations: The Mississippi Flyway Council recommended implementation of a 3-year, experimental, 60-day sandhill crane season in Tennessee beginning in the 2013–14 season.

The Central Flyway Council recommended increasing the season length in North Dakota's eastern sandhill crane hunting zone (Area 2) from 37 to 58 days in length.

The Central and Pacific Flyway Councils recommend using the 2013 Rocky Mountain Population (RMP) sandhill crane harvest allocation of 771 birds as proposed in the allocation formula using the 3-year running average of fall population estimates for 2010–12.

Public Comments: Approximately 250 individuals and several groups and organizations expressed opposition to the establishment of an experimental sandhill crane season in Tennessee, the general hunting of sandhill cranes, and potential impacts to whooping cranes (*Grus americana*). Several individuals supported the establishment of an experimental sandhill crane season in Tennessee.

Service Response: We concur with the Mississippi Flyway Council's recommendation concerning an experimental season in Tennessee. We note that a management plan for the Eastern Population (EP) of sandhill cranes was approved by the Atlantic and Mississippi Flyway Councils in 2010. The plan contains provisions and guidelines for establishing hunting seasons in the Mississippi and Atlantic Flyway States if the total fall population is above a minimum threshold of 30,000 cranes. We note that the 2012 fall population estimate was 87,796 cranes. The management plan also sets an overall harvest objective for an individual State to be no more than 10 percent of the 5-year average peak population estimate in that State. Since Tennessee's 5-year average peak population count is 23,334 cranes, the State's maximum allowable harvest is 2,333 cranes. Tennessee's proposed experimental season will limit the number of crane hunters to 775 with each hunter receiving 3 tags for a maximum allowed harvest of 2,325 cranes. Given Tennessee's proposed harvest monitoring system, the maximum allowed harvest of 2,333 cranes cannot be exceeded.

Additionally, we prepared an environmental assessment (EA) on the hunting of EP sandhill cranes in Tennessee as allowed under the management plan. A copy of the EA and specifics of the two alternatives we analyzed can be found on our Web site at *http://www.fws.gov/migratorybirds,* or at *http://www.regulations.gov.* Our EA outlines two different approaches for assessing the ability of the EP crane population to withstand the level of harvest contained in EP management plan: (1) The potential biological removal allowance method; and (2) a simple population model using fall survey data and annual survival rates. The EA concluded that the anticipated combined level of harvest and crippling loss in Tennessee could be sustained by the proposed hunt. Furthermore, population modeling indicated that any harvest below 2,000 birds would still result in a growing population of EP cranes. We anticipate that allowing a new experimental EP crane hunt in Tennessee, combined with the existing experimental EP crane season in Kentucky, would result in a potential take of 1,875 cranes, or only 2.7 percent of the EP population being harvested, which is lower than the percentage currently experienced in either the RMP or Mid-continent Population. Thus, we believe the action will still allow positive growth of the EP sandhill crane population. We further believe that we have fulfilled our National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) obligation with the preparation of an EA, and therefore an environmental impact statement (EIS) is not required.

The approved crane hunt in Tennessee will begin in early December and continue until late January. These season dates will begin approximately 2 to 3 weeks after whooping cranes have normally migrating through Tennessee and will reduce the likelihood that sandhill crane hunters will encounter whooping cranes. We further note that whooping cranes that migrate through Tennessee are part of the experimental nonessential population of whooping cranes. In 2001, the Service announced its intent to reintroduce whooping cranes into historic habitat in the eastern United States with the intent to establish a migratory flock that would summer and breed in Wisconsin, and winter in west-central Florida (66 FR 14107, March 9, 2001). We designated this reintroduced population as a nonessential experimental population (NEP) under section 10(j) of the Endangered Species Act of 1973 (Act), as amended (Act; 16 U.S.C. 1531 *et seq.*) (see 66 FR 33903, June 26, 2001). Mississippi and Atlantic Flyway States within the NEP area maintain their management prerogatives regarding the whooping crane. They are not directed by the reintroduction program to take any specific actions to provide any special protective measures, nor are they prevented from imposing restrictions under State law, such as protective designations, and area closures.

Therefore, to address the general public concerns on sandhill crane hunting, for the above reasons, season timing to avoid NEP whooping cranes, Tennessee's limited proposed harvest and harvest monitoring system, and the EP crane population well above minimum thresholds, we support the establishment of an experimental hunt season for EP sandhill cranes in Tennessee.

We also support the Central Flyway Council's recommendation to increase the season length for midcontinent sandhill cranes in the eastern zone of North Dakota (Area 2). However, we believe additional information recently published on the demographics of this population should be incorporated into a revised management plan, and that the revised plan should include more specificity regarding how harvest opportunities should be expanded and restricted based on population status and harvest. Such a process is essential to successful, collaborative management of shared populations by the Service and the Flyways. We do not want to address regulatory changes in an incremental manner and believe specifying in a management plan how such changes in harvest opportunities will occur would achieve that end.

We also agree with the Central and Pacific Flyway Councils' recommendations on the RMP sandhill crane harvest allocation of 771 birds for the 2013–14 season, as outlined in the RMP sandhill crane management plan's harvest allocation formula. The objective for RMP sandhill cranes is to manage for a stable population index of 17,000 to 21,000 cranes determined by an average of the three most recent, reliable September (fall pre-migration) surveys. Additionally, the RMP management plan allows for the regulated harvest of cranes when the 3-year average of the population indices exceeds 15,000 cranes. In 2012, 15,417 cranes were counted in the September

survey, a decrease from the previous year's count of 17,494 birds. The most recent 3-year average for the RMP sandhill crane fall index is 17,992, a decrease from the previous 3-year average of 19,626.

14. Woodcock

In 2011, we implemented an interim harvest strategy for woodcock for a period of 5 years (2011–15) (76 FR 19876, April 8, 2011). The interim harvest strategy provides a transparent framework for making regulatory decisions for woodcock season length and bag limit while we work to improve monitoring and assessment protocols for this species. Utilizing the criteria developed for the interim strategy, the 3-year average for the Singing Ground Survey indices and associated confidence intervals fall within the ''moderate package'' for both the Eastern and Central Management Regions. As such, a ''moderate season'' for both management regions for the 2013–14 woodcock hunting season is appropriate. Specifics of the interim harvest strategy can be found at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html*.

15. Band-Tailed Pigeons

Council Recommendations: The Pacific Flyway Council recommended reducing the daily bag limit from 5 to 2 pigeons for the Interior Population.

Service Response: We have a long-standing practice of giving considerable deference to harvest strategies developed in cooperative Flyway management plans. However, a harvest strategy does not exist for the Interior Population of band-tailed pigeons even though the development of one was identified as a high priority when the management plan was adopted in 2001. Because the Pacific Flyway Council's recommendation is not supported by the Central Flyway at this time, we recommend that the two Flyway Councils discuss this issue and advise us of the results of these deliberations in their respective recommendation packages from their meetings next March. It is our desire to see adoption of a mutually acceptable harvest strategy for this population as soon as possible.

16. Doves

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended use of the ''moderate'' season framework for States within the Eastern Management Unit population of mourning doves resulting in a 70-day season and 15-bird daily bag limit. The daily bag limit could be composed of mourning doves and white-winged doves, singly or in combination.

The Mississippi and Central Flyway Councils recommend the use of the standard (or ''moderate'') season package of a 15-bird daily bag limit and a 70-day season for the 2013–14 mourning dove season in the States within the Central Management Unit. The Central Flyway Council previously recommended that the Special White-winged Dove Area be expanded to Interstate Highway 37 in the 2013–14 season.

The Pacific Flyway Council recommended use of the ''moderate'' season framework for States in the Western Management Unit (WMU) population of doves, which represents no change from last year's frameworks.

The Atlantic, Mississippi, Central, and Pacific Flyway Councils also recommended that the present interim mourning dove harvest strategy be replaced by a new national mourning dove harvest strategy for implementation beginning with the 2014–15 season. The new strategy uses a discrete logistic growth model based on information derived from the banding program, the Harvest Information Program, and the mourning dove parts collection survey to predict mourning dove population size in a Bayesian statistical framework. The method is similar to other migratory bird strategies already in place and performs better than several other modeling strategies that were evaluated by the National Mourning Dove Task Force. The strategy uses mourning dove population thresholds to determine a regulation package for mourning doves for each year. The Central and Mississippi Flyway Councils did, however, recommend several changes to the strategy, including a reduced closure threshold, using a running 3-year average of abundance in assessing regulatory change, and holding regulations constant for 3 years.

Service Response: In 2008, we accepted and endorsed the interim harvest strategies for the Central, Eastern, and Western Management Units (73 FR 50678, August 27, 2008). As we stated then, the interim mourning dove harvest strategies are a step towards implementing the Mourning Dove National Strategic Harvest Plan (Plan) that was approved by all four Flyway Councils in 2003. The Plan represents a new, more informed means of decision-making for dove harvest management besides relying solely on traditional roadside counts of mourning doves as indicators of population trend. However, recognizing that a more comprehensive, national approach would take time to develop, we requested the development of interim harvest strategies, by management unit, until the elements of the Plan can be fully implemented. In 2009, the interim harvest strategies were successfully employed and implemented in all three Management Units (74 FR 36870, July 24, 2009).

We concur with the Atlantic and Pacific Flyway Councils' recommendations that the National mourning dove harvest strategy, as developed by the Mourning Dove Task Force, be adopted this year for implementation in 2014–15 hunting season. This strategy will replace the interim harvest strategies that have been in place since 2009. While we appreciate the Central and Mississippi Flyway Councils' recommendations supporting implementation of the national mourning dove harvest, we do not support the changes proposed by the Central and Mississippi Flyway Councils specific to the Central Management Unit. More specifically, we do not support the reduced closure threshold, using a running 3-year average of abundance in assessing regulatory change, and holding regulations constant for at least 3 years. We support continued development and further evaluation of the modifications proposed by the Mississippi and Central Flyways, including appropriate closure levels for each management unit based on objective biological criteria. The Mourning Dove Task Force is a useful venue for developing these issues for future consideration and potential modification to the national strategy.

This year, based on the interim harvest strategies and current population status, we agree with the recommended selection of the ''moderate'' season frameworks for doves in the Eastern, Central, and Western Management Units.

Regarding the Central Flyway Council's recommendation to expand the Special White-winged Dove Area in Texas, we expressed our support for this recommendation last year and addressed it in the August 30, 2012, **Federal Register** (77 FR 53118). The then-approved changes take effect this season.

21. Falconry

Written Comments: Several individuals expressed support for liberalizing falconry seasons based on the small amount of harvest by falconers. Other individuals proposed allowing the year-round take of 1 migratory game bird daily with the same possession limits afforded to other migratory game bird hunters (e.g., gun

hunters), while another expressed support for no bag limits for falconry. An individual expressed support for giving States additional flexibility when selecting falconry hunting days. Lastly, an individual requested that falconers be allowed the same possession limits as gun hunters.

Service Response: Currently, we allow falconry as a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29. Such States may select an extended season for taking migratory game birds as long as the combined length of the extended season, regular season, and any special or experimental seasons does not exceed 107 days for any species or group of species in a geographical area. In addition, all such seasons must fall between September 1 and March 10. We note that both of these restrictions are stipulated in the Migratory Bird Treaty (Treaty). We further note that in those States that already experience 107-day seasons (i.e., ducks in the Pacific Flyway), there is no opportunity for extended falconry seasons. Given the Treaty limitations, no hunting seasons (including falconry) may extend past March 10. Thus, there is no current provision for allowing the take of migratory game birds by falconers outside of the September 1 to March 10 Treaty dates.

Regarding the daily bag limit for falconers, while we understand the concerns expressed, at this time we are not supporting any changes to the daily bag limit. We note that falconers are generally afforded much longer seasons than gun hunters for most species in most Flyways. Further, to our knowledge, we have not received any requests from either the Flyway Councils or States requesting such a change. However, we have increased possession limits for falconers to three times the daily bag limit, consistent with other migratory bird hunters (see 23. Other for further discussion on possession limits).

22. Other

Council Recommendations: The Atlantic Flyway Council recommended increasing the possession limits for sora and Virginia rails from 1 to 3 times the aggregate daily bag limit, consistent with the Council's proposed bag limits for all other migratory game birds during normal established hunting seasons.

The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended increasing the possession limit from 2 to 3 times the daily bag limit for doves.

The Pacific Flyway Council recommended increasing the possession limit from 2 to 3 times the daily bag limit for band-tailed pigeons; special September Canada goose seasons; snipe; falconry; and Alaska seasons for brant, sandhill cranes, and geese (except dusky Canada geese).

The Mississippi Flyway Council recommended that the Service increase the possession limit from 2 times to 3 times the daily bag limit for all migratory game bird species and seasons except for Canada geese, where they recommended that there be no possession limit, or other overabundant species for which no current possession limits are currently assigned (e.g., light geese), where there would continue to be no possession limits. The Council also recommended increasing the possession limits for sora and Virginia rails from 1 to 3 times the aggregate daily bag limit, consistent with other possession limit recommendations, and no change for those species that currently have permit hunts (e.g., cranes and swans). The Council recommends these changes be implemented beginning in the 2013–14 season. New and/or experimental seasons could have different possession limits if justified. The Council further recommended that possession limits not apply at one's personal permanent residence and specifically recommended language to modify 50 CFR 20.39 to do so.

Lastly, the Central Flyway Council recommended that the Service develop a mechanism that allows not for profit community food distribution centers to exceed possession limits for Canada geese during the regular hunting season.

Public Comments: Several commenters expressed support for increasing the possession limit from 2 to 3 times the daily bag limit.

Service Response: The issue of possession limits was first raised by the Flyway Councils in the summer of 2010. At that time, we stated that we were generally supportive of the Flyways' interest in increasing the possession limits for migratory game birds and appreciated the discussions to frame this important issue (75 FR 58250, September 23, 2010). We also stated that we believed there were many unanswered questions regarding how this interest could be fully articulated in a proposal that satisfies the harvest management community, while fostering the support of the law enforcement community and informing the general hunting public. Thus, we proposed the creation of a cross-agency Working Group, chaired by the Service, and comprised of staff from the Service's Migratory Bird Program, State wildlife agency representatives, and Federal and State law enforcement staff, to develop a recommendation that fully articulates a potential change in possession limits. This effort would include a discussion of the current status and use of possession limits, which populations and/or species/species groups should not be included in any proposed modification of possession limits, potential law enforcement issues, and a reasonable timeline for the implementation of any such proposed changes.

After discussions last year at the January SRC meeting, and March and July Flyway Council meetings, the Atlantic, Central, and Pacific Flyway Councils recommended that the Service increase the possession limit from 2 times to 3 times the daily bag limit for all migratory game bird species and seasons except for those species that currently have possession limits of less than 2 times the daily bag limit (e.g., some rail species), for permit hunts (e.g., cranes and swans), and for overabundant species for which no current possession limits are assigned (e.g., light geese), beginning in the 2013–14 season (77 FR 58444, September 20, 2012). These recommendations from the Councils were one such outgrowth of the efforts started in 2010. With the Mississippi Flyway Council's recommendation and the additional input and recommendations from all four Flyway Councils from their March 2013 Council meetings, we believe the Flyway Councils' consensus approach of moving from 2 times to 3 times the daily bag limit is appropriate for implementation beginning with the 2013–14 season. Thus, we will increase the possession limit for all species for which we currently have possession limits of twice the daily bag limit to three times the daily bag limit. We will also include sora and Virginia rails in this possession limit increase. Possession limits for other species and hunts for which the possession limit is equal to the daily bag limit remain unchanged, as do permit hunts for species such as swans and some crane populations.

Additionally, as we discussed in the April 9 and June 14 proposed rules, when our initial review of possession limits was instituted in 2010, we also realized that a review of possession limits could not be adequately conducted without expanding the initial review to include other possession-related regulations. In particular, it was our belief that any potential increase in the possession limits should be done in concert with a review and update of the

wanton waste regulations in 50 CFR 20.25. We believed it prudent to review some of the long-standing sources of confusion (for both hunters and law enforcement) regarding wanton waste. A review of the current Federal wanton waste regulations, along with various State wanton waste regulations, has been recently completed, and we anticipate publishing a proposed rule this year to revise 50 CFR 20.25.

Lastly, we recognize that there are other important issues surrounding possession that need to be reviewed, such as termination of possession (as recommended by the Mississippi Flyway Council). However, that issue is a much larger and more complex review than the wanton waste regulations and the possession limit regulations. We anticipate starting a review of termination of possession regulations upon completion of changes to the wanton waste regulations.

Regarding the Central Flyway Council's recommendation to allow food banks to exceed possession limits for Canada geese, we note that this issue is outside the scope of this rule. Such a proposal would require a change to 50 CFR 20.33 and would require a separate rulemaking process.

National Environmental Policy Act (NEPA)

The programmatic document, ''Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),'' filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being ''Duck Hunting Regulations for 2013–14,'' with its corresponding August 2013, finding of no significant impact. In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the address indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat. . . .'' Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion, which concluded that the regulations are not likely to jeopardize the continued existence of any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks reflect any such modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection at the address indicated under **ADDRESSES**.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has reviewed this rule and has determined that this rule is significant because it would have an annual effect of $100 million or more on the economy.

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.

An economic analysis was prepared for the 2013–14 season. This analysis was based on data from the 2011 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion in Regulatory Flexibility Act section below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) issue restrictive regulations allowing fewer days than those issued during the 2012–13 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2012–13 season. For the 2013–14 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of $317.8–$416.8 million. We also chose alternative 3 for the 2009–10, the 2010–11, the 2012–13, and the 2012–13 seasons. The 2013–14 analysis is part of the record for this rule and is available at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2013–0057.

Regulatory Flexibility Act

The annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, 2008, and 2013. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2013 Analysis was based on the 2011 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.5 billion at small businesses in 2013. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (see **FOR FURTHER INFORMATION CONTACT**) or from our Web site at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2013–0057.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule will have an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we are not deferring the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

This final rule does not contain any new information collection that requires approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has reviewed and approved the information collection requirements associated with migratory bird surveys and assigned the following OMB control numbers:

- 1018–0010—Mourning Dove Call Count Survey (expires 4/30/2015).
- 1018–0019—North American Woodcock Singing Ground Survey (expire 4/30/2015).
- 1018–0023—Migratory Bird Surveys (expires 4/30/2014). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act (16 U.S.C. 703–711), does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule allows hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally-recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the April 9 **Federal Register**, we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2013–14 migratory bird hunting season. The resulting proposals were contained in a separate August 2, 2013, proposed rule (78 FR 47136). By virtue of these actions, we have consulted with Tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, States would have insufficient time to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. We therefore find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), we prescribe final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials will select hunting season dates and other options. Upon receipt of season selections from these officials, we will publish a final rulemaking amending 50 CFR part 20 to reflect seasons, limits, and shooting hours for the conterminous United States for the 2013–14 season.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2013–14 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: August 14, 2013.

Michael J. Bean,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

Final Regulations Frameworks for 2013–14 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following frameworks, which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may select hunting seasons for certain migratory game birds between September 1, 2013, and March 10, 2014.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are three times the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by sport hunters, or both. In many cases (e.g., tundra swans, some sandhill crane populations), the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway—includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway—includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all Counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway—includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Management Units

Mourning Dove Management Units

Eastern Management Unit—All States east of the Mississippi River, and Louisiana.

Central Management Unit—Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit—Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region—Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region—Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Other geographic descriptions are contained in a later portion of this document.

Definitions

Dark geese: Canada geese, white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species, except light geese.

Light geese: snow (including blue) geese and Ross's geese.

Waterfowl Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, and Virginia, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

Special September Teal Season

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway—Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway—Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

Central Flyway—Colorado (part), Kansas, Nebraska (part), New Mexico (part), Oklahoma, and Texas.

Hunting Seasons and Daily Bag Limits: Not to exceed 16 consecutive hunting days in the Atlantic, Mississippi, and Central Flyways. The daily bag limit is 6 teal.

Shooting Hours:

Atlantic Flyway—One-half hour before sunrise to sunset, except in South Carolina, where the hours are from sunrise to sunset.

Mississippi and Central Flyways—One-half hour before sunrise to sunset, except in the States of Arkansas, Illinois, Indiana, Missouri, and Ohio, where the hours are from sunrise to sunset.

Special September Duck Seasons

Florida, Kentucky and Tennessee: In lieu of a special September teal season, a 5-consecutive-day season may be selected in September. The daily bag limit may not exceed 4 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks.

Iowa: Iowa may hold up to 5 days of its regular duck hunting season in September. All ducks that are legal during the regular duck season may be taken during the September segment of the season. The September season segment may commence no earlier than the Saturday nearest September 20 (September 21). The daily bag and possession limits will be the same as those in effect last year but are subject to change during the late-season regulations process. The remainder of the regular duck season may not begin before October 10.

Special Youth Waterfowl Hunting Days

Outside Dates: States may select 2 days per duck-hunting zone, designated as ''Youth Waterfowl Hunting Days,'' in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, mergansers, coots, and gallinules and will be the same as those allowed in the regular season. Flyway species and area restrictions will remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day.

Scoters, Eiders, and Long-Tailed Ducks (Atlantic Flyway)

Outside Dates: Between September 15 and January 31.

Hunting Seasons and Daily Bag Limits: Not to exceed 107 days, with a daily bag limit of 7, singly or in the aggregate, of the listed sea duck species, of which no more than 4 may be scoters.

Daily Bag Limits During the Regular Duck Season: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

Special Early Canada Goose Seasons

Atlantic Flyway

General Seasons

A Canada goose season of up to 15 days during September 1–15 may be selected for the Eastern Unit of Maryland. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone only), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during any general season, shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Mississippi Flyway

General Seasons

Canada goose seasons of up to 15 days during September 1–15 may be selected, except in the Upper Peninsula in Michigan, where the season may not extend beyond September 10, and in Minnesota, where a season of up to 22 days during September 1–22 may be selected. The daily bag limit may not exceed 5 Canada geese, except in designated areas of Minnesota where the daily bag limit may not exceed 10 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

A Canada goose season of up to 10 consecutive days during September 1–10 may be selected by Michigan for Huron, Saginaw, and Tuscola Counties, except that the Shiawassee National Wildlife Refuge, Shiawassee River State Game Area Refuge, and the Fish Point Wildlife Area Refuge will remain closed. The daily bag limit may not exceed 5 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Central Flyway

General Seasons

In Kansas, Nebraska, Oklahoma, South Dakota, and Texas, Canada goose seasons of up to 30 days during September 1–30 may be selected. In Colorado, New Mexico, North Dakota, Montana, and Wyoming, Canada goose seasons of up to 15 days during September 1–15 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Kansas, Nebraska, and Oklahoma, where the daily bag limit may not exceed 8 Canada geese and in North Dakota and South Dakota, where the daily bag limit may not exceed 15 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Pacific Flyway

General Seasons

California may select a 9-day season in Humboldt County during the period September 1–15. The daily bag limit is 2.

Colorado may select a 9-day season during the period of September 1–15. The daily bag limit is 4.

Oregon may select a special Canada goose season of up to 15 days during the period September 1–15. In addition, in the NW Goose Management Zone in Oregon, a 15-day season may be selected during the period September 1–20. Daily bag limits may not exceed 5 Canada geese.

Idaho may select a 7-day season during the period September 1–15. The daily bag limit is 2.

Washington may select a special Canada goose season of up to 15 days during the period September 1–15. Daily bag limits may not exceed 5 Canada geese.

Wyoming may select an 8-day season on Canada geese during the period September 1–15. This season is subject to the following conditions:

A. Where applicable, the season must be concurrent with the September portion of the sandhill crane season.

B. A daily bag limit of 3, with season and possession limits of 9, will apply to the special season.

Areas open to hunting of Canada geese in each State must be described,

delineated, and designated as such in each State's hunting regulations.

Regular Goose Seasons

Regular goose seasons may open as early as September 11 in the Upper Peninsula of Michigan and September 16 in Wisconsin and the Lower Peninsula of Michigan. Season lengths, bag and possession limits, and other provisions will be established during the late-season regulations process.

Sandhill Cranes

Regular Seasons in the Mississippi Flyway

Outside Dates: Between September 1 and February 28.

Hunting Seasons: A season not to exceed 37 consecutive days may be selected in the designated portion of northwestern Minnesota (Northwest Goose Zone).

Daily Bag Limit: 2 sandhill cranes.

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Experimental Seasons in the Mississippi Flyway

Outside Dates: Between September 1 and January 31.

Hunting Seasons: A season not to exceed 30 consecutive days may be selected in Kentucky and a season not to exceed 60 consecutive days may be selected in Tennessee.

Daily Bag Limit: Not to exceed 2 daily and 2 per season in Kentucky. Not to exceed 3 daily and 3 per season in Tennessee.

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Mississippi Flyway Council.

Regular Seasons in the Central Flyway

Outside Dates: Between September 1 and February 28.

Hunting Seasons: Seasons not to exceed 37 consecutive days may be selected in designated portions of Texas (Area 2). Seasons not to exceed 58 consecutive days may be selected in designated portions of the following States: Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming. Seasons not to exceed 93 consecutive days may be selected in designated portions of the following States: New Mexico, Oklahoma, and Texas.

Daily Bag Limits: 3 sandhill cranes, except 2 sandhill cranes in designated portions of North Dakota (Area 2) and Texas (Area 2).

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Special Seasons in the Central and Pacific Flyways

Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population (RMP) subject to the following conditions:

Outside Dates: Between September 1 and January 31.

Hunting Seasons: The season in any State or zone may not exceed 30 consecutive days.

Bag limits: Not to exceed 3 daily and 9 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils, with the following exceptions:

A. In Utah, 100 percent of the harvest will be assigned to the RMP quota;

B. In Arizona, monitoring the racial composition of the harvest must be conducted at 3-year intervals;

C. In Idaho, 100 percent of the harvest will be assigned to the RMP quota; and

D. In New Mexico, the season in the Estancia Valley is experimental, with a requirement to monitor the level and racial composition of the harvest; greater sandhill cranes in the harvest will be assigned to the RMP quota.

Special Seasons in the Pacific Flyway

Arizona may select a season for hunting sandhill cranes within the range of the Lower Colorado River Population (LCR) of sandhill cranes, subject to the following conditions:

Outside Dates: Between January 1 and January 31.

Hunting Seasons: The season may not exceed 3 days.

Bag limits: Not to exceed 1 daily and 1 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other provisions: The season is experimental. Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Pacific Flyway Council.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1 and the last Sunday in January (January 26) in the Atlantic, Mississippi, and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks; therefore, they are late-season frameworks, and no frameworks are provided in this document.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

Rails

Outside Dates: States included herein may select seasons between September 1 and the last Sunday in January (January 26) on clapper, king, sora, and Virginia rails.

Hunting Seasons: Seasons may not exceed 70 days, and may be split into 2 segments.

Daily Bag Limits:

Clapper and King Rails—In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, 10, singly or in the aggregate of the two species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails—In the Atlantic, Mississippi, and Central Flyways and the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 rails, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

Common Snipe

Outside Dates: Between September 1 and February 28, except in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

American Woodcock

Outside Dates: States in the Eastern Management Region may select hunting seasons between October 1 and January 31. States in the Central Management Region may select hunting seasons between the Saturday nearest September 22 (September 21) and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 45 days in the Eastern Region and 45 days in the Central Region. The daily bag limit is 3. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 36 days.

Band-Tailed Pigeons

Pacific Coast States (California, Oregon, Washington, and Nevada)

Outside Dates: Between September 15 and January 1.

Hunting Seasons and Daily Bag Limits: Not more than 9 consecutive days, with a daily bag limit of 2 band-tailed pigeons.

Zoning: California may select hunting seasons not to exceed 9 consecutive days in each of two zones. The season in the North Zone must close by October 3.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

Outside Dates: Between September 1 and November 30.

Hunting Seasons and Daily Bag Limits: Not more than 30 consecutive days, with a daily bag limit of 5 band-tailed pigeons.

Zoning: New Mexico may select hunting seasons not to exceed 20 consecutive days in each of two zones. The season in the South Zone may not open until October 1.

Doves

Outside Dates: Between September 1 and January 15, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 70 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Central Management Unit

For all States Except Texas

Hunting Seasons and Daily Bag Limits: Not more than 70 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods.

Texas:

Hunting Seasons and Daily Bag Limits: Not more than 70 days, with a daily bag limit of 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves.

Zoning and Split Seasons: Texas may select hunting seasons for each of three zones subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited take of mourning and white-tipped doves may also occur during that special season (see Special White-winged Dove Area).

B. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between the Friday nearest September 20 (September 20), but not earlier than September 17, and January 25.

C. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

Special White-Winged Dove Area in Texas

In addition, Texas may select a hunting season of not more than 4 days for the Special White-winged Dove Area of the South Zone between September 1 and September 19. The daily bag limit may not exceed 15 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 2 may be mourning doves and no more than 2 may be white-tipped doves.

Western Management Unit

Hunting Seasons and Daily Bag Limits:

Idaho, Nevada, Oregon, Utah, and Washington—Not more than 30 consecutive days, with a daily bag limit of 10 mourning and white-winged doves in the aggregate.

Arizona and California—Not more than 60 days, which may be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit is 10 mourning and white-winged doves in the aggregate. During the remainder of the season, the daily bag limit is 10 mourning doves. In California, the daily bag limit is 10 mourning and white-winged doves in the aggregate.

Alaska

Outside Dates: Between September 1 and January 26.

Hunting Seasons: Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and common snipe in each of 5 zones. The season may be split without penalty in the Kodiak Zone. The seasons in each zone must be concurrent.

Closures: The hunting season is closed on emperor geese, spectacled eiders, and Steller's eiders.

Daily Bag and Possession Limits:

Ducks—Except as noted, a basic daily bag limit of 7 ducks. Daily bag limits in the North Zone are 10, and in the Gulf Coast Zone, they are 8. The basic limits may include no more than 1 canvasback daily and may not include sea ducks.

In addition to the basic duck limits, Alaska may select sea duck limits of 10 daily, singly or in the aggregate, including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common and red-breasted mergansers.

Light Geese—A basic daily bag limit of 4.

Dark Geese—A basic daily bag limit of 4.

Dark-goose seasons are subject to the following exceptions:

A. In Units 5 and 6, the taking of Canada geese is permitted from September 28 through December 16.

B. On Middleton Island in Unit 6, a special, permit-only Canada goose season may be offered. A mandatory goose identification class is required. Hunters must check in and check out. The bag limit is 1 daily and 1 in possession. The season will close if incidental harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters.

C. In Units 6–B, 6–C, and on Hinchinbrook and Hawkins Islands in Unit 6–D, a special, permit-only Canada goose season may be offered. Hunters must have all harvested geese checked and classified to subspecies. The daily bag limit is 4 daily. The Canada goose season will close in all of the permit areas if the total dusky goose (as defined above) harvest reaches 40.

D. In Units 9, 10, 17, and 18, dark goose limits are 6 per day.

Brant—A daily bag limit of 2.

Common snipe—A daily bag limit of 8.

Sandhill cranes—Bag limit of 2 in the Southeast, Gulf Coast, Kodiak, and Aleutian Zones, and Unit 17 in the Northern Zone. In the remainder of the Northern Zone (outside Unit 17), bag limit of 3.

Tundra Swans—Open seasons for tundra swans may be selected subject to the following conditions:

A. All seasons are by registration permit only.

B. All season framework dates are September 1–October 31.

C. In Game Management Unit (GMU) 17, no more than 200 permits may be issued during this operational season. No more than 3 tundra swans may be authorized per permit, with no more than 1 permit issued per hunter per season.

D. In Game Management Unit (GMU) 18, no more than 500 permits may be issued during the operational season. Up to 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

E. In GMU 22, no more than 300 permits may be issued during the operational season. Each permittee may be authorized to take up to 3 tundra swans per permit. No more than 1 permit may be issued per hunter per season.

F. In GMU 23, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit, with no more than 1 permit issued per hunter per season.

Hawaii

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 65 days (75 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days.

Daily Bag and Possession Limits: Not to exceed 20 Zenaida, mourning, and white-winged doves in the aggregate, of which not more than 10 may be Zenaida doves and 3 may be mourning doves. Not to exceed 5 scaly-naped pigeons.

Closed Seasons: The season is closed on the white-crowned pigeon and the plain pigeon, which are protected by the Commonwealth of Puerto Rico.

Closed Areas: There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

Ducks, Coots, Moorhens, Gallinules, and Snipe

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The season may be split into two segments.

Daily Bag Limits:

Ducks—Not to exceed 6.

Common moorhens—Not to exceed 6.

Common snipe—Not to exceed 8.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule, American coot, and Caribbean coot.

Closed Areas: There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days for Zenaida doves.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves.

Closed Seasons: No open season is prescribed for ground or quail doves or pigeons.

Closed Areas: There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

Local Names for Certain Birds: Zenaida dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

Ducks

Outside Dates: Between December 1 and January 31.

Hunting Seasons: Not more than 55 consecutive days.

Daily Bag Limits: Not to exceed 6.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck.

Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29. These States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1 and March 10.

Daily Bag Limits: Falconry daily bag limits for all permitted migratory game birds must not exceed 3 birds, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29. Regular season bag limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

Area, Unit, and Zone Descriptions

Doves

Alabama

South Zone—Baldwin, Barbour, Coffee, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone—Remainder of the State.

California

White-winged Dove Open Areas—Imperial, Riverside, and San Bernardino Counties.

Florida

Northwest Zone—The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone—Remainder of State.

Louisiana

North Zone—That portion of the State north of a line extending east from the Texas border along State Highway 12 to U.S. Highway 190, east along U.S. 190 to Interstate Highway 12, east along Interstate 12 to Interstate Highway 10, then east along Interstate Highway 10 to the Mississippi border.

South Zone—The remainder of the State.

Mississippi

North Zone—That portion of the State north and west of a line extending west from the Alabama State line along U.S. Highway 84 to its junction with State Highway 35, then south along State Highway 35 to the Louisiana State line.

South Zone—The remainder of Mississippi.

Texas

North Zone—That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I–10 at Fort Hancock; east along I–10 to I–20; northeast along I–20 to I–30 at Fort Worth; northeast along I–30 to the Texas–Arkansas State line.

South Zone—That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio; then south, east, and north along Loop 1604 to Interstate Highway 10 east of San Antonio; then east on I–10 to Orange, Texas.

Special White-winged Dove Area in the South Zone—That portion of the state south and west of a line beginning at the International Toll Bridge in Del Rio; then northeast along U.S. Highway 277 Spur to Highway 90 in Del Rio; thence east along U.S. Highway 90 to State Loop 1604; thence along Loop 1604 south and east to Interstate Highway 37; thence south along Interstate Highway 37 to U.S. Highway 181 in Corpus Christi; thence north and east along U.S. 181 to the Corpus Christi Ship Channel, thence eastwards along the south shore of the Corpus Christi Ship Channel to the Gulf of Mexico.

Central Zone—That portion of the State lying between the North and South Zones.

Band-Tailed Pigeons

California

North Zone—Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone—The remainder of the State.

New Mexico

North Zone—North of a line following U.S. 60 from the Arizona State line east to I–25 at Socorro and then south along I–25 from Socorro to the Texas State line.

South Zone—The remainder of the State.

Washington

Western Washington—The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Woodcock

New Jersey

North Zone—That portion of the State north of NJ 70.

South Zone—The remainder of the State.

Special September Canada Goose Seasons

Atlantic Flyway

Connecticut

North Zone—That portion of the State north of I–95.

South Zone—The remainder of the State.

Maryland

Eastern Unit—Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; and that part of Anne Arundel County east of Interstate 895, Interstate 97 and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State line.

Western Unit—Allegany, Baltimore, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington Counties and that part of Anne Arundel County west of Interstate 895, Interstate 97 and Route 3; that part of Prince George's County west of Route 3 and Route 301; and that part of Charles County west of Route 301 to the Virginia State line.

Massachusetts

Western Zone—That portion of the State west of a line extending south from the Vermont border on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut border.

Central Zone—That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire border on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island border; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.–Elm St. bridge will be in the Coastal Zone.

Coastal Zone—That portion of Massachusetts east and south of the Central Zone.

New York

Lake Champlain Zone—The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Eastern Long Island Goose Area (North Atlantic Population (NAP) High Harvest Area)—That area of Suffolk County lying east of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Roanoke Avenue in the Town of Riverhead; then south on Roanoke Avenue (which becomes County Route 73) to State Route 25; then west on Route 25 to Peconic Avenue; then south on Peconic Avenue to County Route (CR) 104 (Riverleigh Avenue); then south on CR 104 to CR 31 (Old Riverhead Road); then south on CR 31 to Oak Street; then south on Oak Street to Potunk Lane; then west on Stevens Lane; then south on Jessup Avenue (in Westhampton Beach) to Dune Road (CR 89); then due south to international waters.

Western Long Island Goose Area (Resident Population (RP) Area)—That area of Westchester County and its tidal waters southeast of Interstate Route 95 and that area of Nassau and Suffolk Counties lying west of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of the Sunken Meadow State Parkway; then south on the Sunken Meadow Parkway to the Sagtikos State Parkway; then south on the Sagtikos Parkway to the Robert Moses State Parkway; then south on the Robert Moses Parkway to its southernmost end; then due south to international waters.

Central Long Island Goose Area (NAP Low Harvest Area)—That area of Suffolk County lying between the Western and Eastern Long Island Goose Areas, as defined above.

Western Zone—That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border.

Northeastern Zone—That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone—The remaining portion of New York.

Pennsylvania

Southern James Bay Population (SJBP) Zone—The area north of I–80 and west of I–79, including in the city of Erie west of Bay Front Parkway to and including the Lake Erie Duck Zone (Lake Erie, Presque Isle, and the area within 150 yards of the Lake Erie Shoreline).

Vermont

Lake Champlain Zone—The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to VT 78 at Swanton; VT 78 to VT 36; VT 36 to Maquam Bay on Lake Champlain; along and around the shoreline of Maquam Bay and Hog Island to VT 78 at the West Swanton Bridge; VT 78 to VT 2 in Alburg; VT 2 to the Richelieu River in Alburg; along the east shore of the Richelieu River to the Canadian border.

Interior Zone—That portion of Vermont east of the Lake Champlain Zone and west of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to US 2; east along US 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone—The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Arkansas

Early Canada Goose Area—Baxter, Benton, Boone, Carroll, Clark, Conway, Crawford, Faulkner, Franklin, Garland, Hempstead, Hot Springs, Howard, Johnson, Lafayette, Little River, Logan, Madison, Marion, Miller, Montgomery, Newton, Perry, Pike, Polk, Pope, Pulaski, Saline, Searcy, Sebastian, Sevier, Scott, Van Buren, Washington, and Yell Counties.

Illinois

North September Canada Goose Zone—That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central September Canada Goose Zone—That portion of the State south of the North September Canada Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South September Canada Goose Zone—That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road, south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central September Canada Goose Zone—The remainder of the State between the south border of the Central Zone and the North border of the South Zone.

Iowa

North Zone—That portion of the State north of U.S. Highway 20.

South Zone—The remainder of Iowa.

Cedar Rapids/Iowa City Goose Zone—Includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; then south and east along County Road E2W to Highway 920; then north along Highway 920 to County Road E16; then east along County Road E16 to County Road W58; then south along County Road W58 to County Road E34; then east along County Road E34 to Highway 13; then south along Highway 13 to Highway 30; then east along Highway 30 to Highway 1; then south along Highway 1 to Morse Road in Johnson County; then east along Morse Road to Wapsi Avenue; then south along Wapsi Avenue to Lower West Branch Road; then west along Lower West Branch Road to Taft Avenue; then south along Taft Avenue to County Road F62; then west along County Road F62 to Kansas Avenue; then north along Kansas Avenue to Black Diamond Road; then west on Black Diamond Road to Jasper Avenue; then north along Jasper Avenue to Rohert Road; then west along Rohert Road to Ivy Avenue; then north along Ivy Avenue to 340th Street; then west along 340th Street to Half Moon Avenue; then north along Half Moon Avenue to Highway 6; then west along Highway 6 to Echo Avenue; then north along Echo Avenue to 250th Street; then east on 250th Street to Green Castle Avenue; then north along Green Castle Avenue to County Road F12; then west along County Road F12 to County Road W30; then north along County Road W30 to Highway 151; then north along the Linn–Benton County line to the point of beginning.

Des Moines Goose Zone—Includes those portions of Polk, Warren, Madison and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; then south along R38 to Northwest 142nd Avenue; then east along Northwest 142nd Avenue to Northeast 126th Avenue; then east along Northeast 126th Avenue to Northeast 46th Street; then south along Northeast 46th Street to Highway 931; then east along Highway 931 to Northeast 80th Street; then south along Northeast 80th Street to Southeast 6th Avenue; then west along Southeast 6th Avenue to Highway 65; then south and west along Highway 65 to Highway 69 in Warren County; then south along Highway 69 to County Road G24; then west along County Road G24 to Highway 28; then southwest along Highway 28 to 43rd Avenue; then north along 43rd Avenue to Ford Street; then west along Ford Street to Filmore Street; then west along Filmore Street to 10th Avenue; then south along 10th Avenue to 155th Street in Madison County; then

west along 155th Street to Cumming Road; then north along Cumming Road to Badger Creek Avenue; then north along Badger Creek Avenue to County Road F90 in Dallas County; then east along County Road F90 to County Road R22; then north along County Road R22 to Highway 44; then east along Highway 44 to County Road R30; then north along County Road R30 to County Road F31; then east along County Road F31 to Highway 17; then north along Highway 17 to Highway 415 in Polk County; then east along Highway 415 to Northwest 158th Avenue; then east along Northwest 158th Avenue to the point of beginning.

Cedar Falls/Waterloo Goose Zone—Includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, then south along County Road V49 to County Road D38, then west along County Road D38 to State Highway 21, then south along State Highway 21 to County Road D35, then west along County Road D35 to Grundy Road, then north along Grundy Road to County Road D19, then west along County Road D19 to Butler Road, then north along Butler Road to County Road C57, then north and east along County Road C57 to U.S. Highway 63, then south along U.S. Highway 63 to County Road C66, then east along County Road C66 to the point of beginning.

Michigan

North Zone—Same as North duck zone.

Middle Zone—Same as Middle duck zone.

South Zone—Same as South duck zone.

Minnesota

Northwest Goose Zone—That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Intensive Harvest Zone—That portion of the State encompassed by a line extending east from the junction of US 2 and the North Dakota border, US 2 east to MN 32 N, MN 32 N to MN 92 S, MN 92 S to MN 200 E, MN 200 E to US 71 S, US 71 S to US 10 E, US 10 E to MN 101 S, MN 101 S to Interstate 94 E, Interstate 94 E to US 494 S, US 494 S to US 212 W, US 212 W to MN 23 S, MN 23 S to US 14 W, US 14 W to the South Dakota border, South Dakota Border north to the North Dakota border, North Dakota border north to US 2 E.

Rest of State: Remainder of Minnesota.

Wisconsin

Early-Season Subzone A—That portion of the State encompassed by a line beginning at the intersection of U.S. Highway 141 and the Michigan border near Niagara, then south along U.S. 141 to State Highway 22, west and southwest along State 22 to U.S. 45, south along U.S. 45 to State 22, west and south along State 22 to State 110, south along State 110 to U.S. 10, south along U.S. 10 to State 49, south along State 49 to State 23, west along State 23 to State 73, south along State 73 to State 60, west along State 60 to State 23, south along State 23 to State 11, east along State 11 to State 78, then south along State 78 to the Illinois border.

Early-Season Subzone B—The remainder of the State.

Central Flyway

North Dakota

Missouri River Canada Goose Zone—The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; then north on ND Hwy 6 to I–94; then west on I–94 to ND Hwy 49; then north on ND Hwy 49 to ND Hwy 200; then north on Mercer County Rd. 21 to the section line between sections 8 and 9 (T146N–R87W); then north on that section line to the southern shoreline to Lake Sakakawea; then east along the southern shoreline (including Mallard Island) of Lake Sakakawea to US Hwy 83; then south on US Hwy 83 to ND Hwy 200; then east on ND Hwy 200 to ND Hwy 41; then south on ND Hwy 41 to US Hwy 83; then south on US Hwy 83 to I–94; then east on I–94 to US Hwy 83; then south on US Hwy 83 to the South Dakota border; then west along the South Dakota border to ND Hwy 6.

Rest of State—Remainder of North Dakota.

South Dakota

Special Early Canada Goose Unit—The Counties of Campbell, Marshall, Roberts, Day, Clark, Codington, Grant, Hamlin, Deuel, Walworth; that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction; that portion of Potter County east of U.S. Highway 83; that portion of Sully County east of U.S. Highway 83; portions of Hyde, Buffalo, Brule, and Charles Mix counties north and east of a line beginning at the Hughes-Hyde County line on State Highway 34, east to Lees Boulevard, southeast to the State Highway 34, east 7 miles to 350th Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, and north on U.S. Highway 281 to the Charles Mix-Douglas County boundary; that portion of Bon Homme County north of State Highway 50; that portion of Fall River County west of State Highway 71 and U.S. Highway 385; that portion of Custer County west of State Highway 79 and north of French Creek; McPherson, Edmunds, Kingsbury, Brookings, Lake, Moody, Miner, Faulk, Hand, Jerauld, Douglas, Hutchinson, Turner, Lincoln, Union, Clay, Yankton, Aurora, Beadle, Davison, Hanson, Sanborn, Spink, Brown, Harding, Butte, Lawrence, Meade, Pennington, Shannon, Jackson, Mellette, Todd, Jones, Haakon, Corson, Ziebach, McCook, and Minnehaha Counties.

Texas

Eastern Goose Zone—East of a line from the International Toll Bridge at Laredo, north following IH–35 and 35W to Fort Worth, northwest along U.S. Hwy. 81 and 287 to Bowie, north along U.S. Hwy. 81 to the Texas-Oklahoma State line.

Pacific Flyway

Idaho

East Zone—Bonneville, Caribou, Fremont, and Teton Counties.

Oregon

Northwest Zone—Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Multnomah, Tillamook, Washington, and Yamhill Counties.

Southwest Zone—Coos, Curry, Douglas, Jackson, Josephine, and Klamath Counties.

East Zone—Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, and Wasco Counties.

Washington

Area 1—Skagit, Island, and Snohomish Counties.

Area 2A (SW Quota Zone)—Clark County, except portions south of the Washougal River; Cowlitz County; and Wahkiakum County.

Area 2B (SW Quota Zone)—Pacific County.

Area 3—All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4—Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5—All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Ducks

Atlantic Flyway

New York

Lake Champlain Zone—The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone—That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone—That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border.

Northeastern Zone—That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone—The remaining portion of New York.

Maryland

Special Teal Season Area— Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince Georges County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State Line.

Mississippi Flyway

Indiana

North Zone—That part of Indiana north of a line extending east from the Illinois border along State Road 18 to U.S. 31; north along U.S. 31 to U.S. 24; east along U.S. 24 to Huntington; southeast along U.S. 224; south along State Road 5; and east along State Road 124 to the Ohio border.

Central Zone—That part of Indiana south of the North Zone boundary and north of the South Zone boundary.

South Zone—That part of Indiana south of a line extending east from the Illinois border along U.S. 40; south along U.S. 41; east along State Road 58; south along State Road 37 to Bedford; and east along U.S. 50 to the Ohio border.

Iowa

North Zone—That portion of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east along State Highway 175 to State Highway 37, southeast along State Highway 37 to State Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, and along U.S. Highway 30 to the Illinois border.

Missouri River Zone—That portion of Iowa west of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, and west along State Highway 175 to the Iowa-Nebraska border.

South Zone—The remainder of Iowa.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Wisconsin State line in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, easterly along U.S. 10 BR to U.S. 10, easterly along U.S. 10 to Interstate Highway 75/U.S. Highway 23, northerly along I–75/U.S. 23 to the U.S. 23 exit at Standish, easterly along U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

South Zone: The remainder of Michigan.

Wisconsin

North Zone: That portion of the State north of a line extending east from the Minnesota State line along U.S. Highway 10 into Portage County to County Highway HH, east on County Highway HH to State Highway 66 and then east on State Highway 66 to U.S. Highway 10, continuing east on U.S. Highway 10 to U.S. Highway 41, then north on U.S. Highway 41 to the Michigan State line.

Mississippi River Zone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

South Zone: The remainder of Wisconsin.

Central Flyway

Colorado

Special Teal Season Area—Lake and Chaffee Counties and that portion of the State east of Interstate Highway 25.

Kansas

High Plains Zone —That portion of the State west of U.S. 283.

Early Zone—That part of Kansas bounded by a line from the Nebraska–Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd, then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to McPherson County 14th Avenue, then south on

McPherson County 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then north on U.S.–283 to its junction with the Nebraska–Kansas State line, then east along the Nebraska–Kansas State line to its junction with K–128.

Late Zone—That part of Kansas bounded by a line from the Nebraska-Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd, then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to 14th Avenue, then south on 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then south on U.S.–283 to its junction with the Oklahoma-Kansas State line, then east along the Oklahoma-Kansas State line to its junction with U.S.–77, then north on U.S.–77 to its junction with Butler County, NE 150th Street, then east on Butler County, NE 150th Street to its junction with U.S.–35, then northeast on U.S.–35 to its junction with K–68, then east on K–68 to the Kansas-Missouri State line, then north along the Kansas-Missouri State line to its junction with the Nebraska State line, then west along the Kansas-Nebraska State line to its junction with K–128.

Southeast Zone—That part of Kansas bounded by a line from the Missouri-Kansas State line west on K–68 to its junction with U.S.–35, then southwest on U.S.–35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street until its junction with K–77, then south on K–77 to the Oklahoma-Kansas State line, then east along the Kansas-Oklahoma State line to its junction with the Missouri State line, then north along the Kansas-Missouri State line to its junction with K–68.

Nebraska

Special Teal Season Area—That portion of the State south of a line beginning at the Wyoming State line; east along U.S. 26 to Nebraska Highway L62A east to U.S. 385; south to U.S. 26; east to NE 92; east along NE 92 to NE 61; south along NE 61 to U.S. 30; east along U.S. 30 to the Iowa border.

High Plains—That portion of Nebraska lying west of a line beginning at the South Dakota-Nebraska border on U.S. Hwy. 183; south on U.S. Hwy. 183 to U.S. Hwy. 20; west on U.S. Hwy. 20 to NE Hwy. 7; south on NE Hwy. 7 to NE Hwy. 91; southwest on NE Hwy. 91 to NE Hwy. 2; southeast on NE Hwy. 2 to NE Hwy. 92; west on NE Hwy. 92 to NE Hwy. 40; south on NE Hwy. 40 to NE Hwy. 47; south on NE Hwy. 47 to NE Hwy. 23; east on NE Hwy. 23 to U.S. Hwy. 283; and south on U.S. Hwy. 283 to the Kansas-Nebraska border.

Zone 1—Area bounded by designated Federal and State highways and political boundaries beginning at the South Dakota-Nebraska border west of NE Hwy. 26E Spur and north of NE Hwy. 12; those portions of Dixon, Cedar and Knox Counties north of NE Hwy. 12; that portion of Keya Paha County east of U.S. Hwy. 183; and all of Boyd County. Both banks of the Niobrara River in Keya Paha and Boyd counties east of U.S. Hwy. 183 shall be included in Zone 1.

Zone 2—The area south of Zone 1 and north of Zone 3.

Zone 3—Area bounded by designated Federal and State highways, County Roads, and political boundaries beginning at the Wyoming-Nebraska border at the intersection of the Interstate Canal; east along northern borders of Scotts Bluff and Morrill Counties to Broadwater Road; south to Morrill County Rd 94; east to County Rd 135; south to County Rd 88; southeast to County Rd 151; south to County Rd 80; east to County Rd 161; south to County Rd 76; east to County Rd 165; south to Country Rd 167; south to U.S. Hwy. 26; east to County Rd 171; north to County Rd 68; east to County Rd 183; south to County Rd 64; east to County Rd 189; north to County Rd 70; east to County Rd 201; south to County Rd 60A; east to County Rd 203; south to County Rd 52; east to Keith County Line; east along the northern boundaries of Keith and Lincoln Counties to NE Hwy. 97; south to U.S. Hwy 83; south to E Hall School Rd; east to N Airport Road; south to U.S. Hwy. 30; east to Merrick County Rd 13; north to County Rd O; east to NE Hwy. 14; north to NE Hwy. 52; west and north to NE Hwy. 91; west to U.S. Hwy. 281; south to NE Hwy. 22; west to NE Hwy. 11; northwest to NE Hwy. 91; west to U.S. Hwy. 183; south to Round Valley Rd; west to Sargent River Rd; west to Sargent Rd; west to Milburn Rd; north to Blaine County Line; east to Loup County Line; north to NE Hwy. 91; west to North Loup Spur Rd; north to North Loup River Rd; east to Pleasant Valley/Worth Rd; east to Loup County Line; north to Loup-Brown county line; east along northern boundaries of Loup and Garfield Counties to Cedar River Rd; south to NE Hwy. 70; east to U.S. Hwy. 281; north to NE Hwy. 70; east to NE Hwy. 14; south to NE Hwy. 39; southeast to NE Hwy. 22; east to U.S. Hwy. 81; southeast to U.S. Hwy. 30; east to U.S. Hwy. 75; north to the Washington County line; east to the Iowa-Nebraska border; south to the Missouri-Nebraska border; south to Kansas-Nebraska border; west along Kansas-Nebraska border to Colorado-Nebraska border; north and west to Wyoming-Nebraska border; north to intersection of Interstate Canal; and excluding that area in Zone 4.

Zone 4—Area encompassed by designated Federal and State highways and County Roads beginning at the intersection of NE Hwy. 8 and U.S. Hwy. 75; north to U.S. Hwy. 136; east to the intersection of U.S. Hwy. 136 and the Steamboat Trace (Trace); north along the Trace to the intersection with Federal Levee R–562; north along Federal Levee R–562 to the intersection with the Trace; north along the Trace/Burlington Northern Railroad right-of-

way to NE Hwy. 2; west to U.S. Hwy. 75; north to NE Hwy. 2; west to NE Hwy. 43; north to U.S. Hwy. 34; east to NE Hwy. 63; north to NE Hwy. 66; north and west to U.S. Hwy. 77; north to NE Hwy. 92; west to NE Hwy. Spur 12F; south to Butler County Rd 30; east to County Rd X; south to County Rd 27; west to County Rd W; south to County Rd 26; east to County Rd X; south to County Rd 21 (Seward County Line); west to NE Hwy. 15; north to County Rd 34; west to County Rd J; south to NE Hwy. 92; west to U.S. Hwy. 81; south to NE Hwy. 66; west to Polk County Rd C; north to NE Hwy. 92; west to U.S. Hwy. 30; west to Merrick County Rd 17; south to Hordlake Road; southeast to Prairie Island Road; southeast to Hamilton County Rd T; south to NE Hwy. 66; west to NE Hwy. 14; south to County Rd 22; west to County Rd M; south to County Rd 21; west to County Rd K; south to U.S. Hwy. 34; west to NE Hwy. 2; south to U.S. Hwy. I–80; west to Gunbarrel Rd (Hall/Hamilton county line); south to Giltner Rd; west to U.S. Hwy. 281; south to U.S. Hwy. 34; west to NE Hwy. 10; north to Kearney County Rd R and Phelps County Rd 742; west to U.S. Hwy. 283; south to U.S. Hwy 34; east to U.S. Hwy. 136; east to U.S. Hwy. 183; north to NE Hwy. 4; east to NE Hwy. 10; south to U.S. Hwy. 136; east to NE Hwy. 14; south to NE Hwy. 8; east to U.S. Hwy. 81; north to NE Hwy. 4; east to NE Hwy. 15; south to U.S. Hwy. 136; east to NE Hwy. 103; south to NE Hwy. 8; east to U.S. Hwy. 75.

New Mexico (Central Flyway Portion)

North Zone—That portion of the State north of I–40 and U.S. 54.

South Zone—The remainder of New Mexico.

Pacific Flyway

California

Northeastern Zone—In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Colorado River Zone—Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone—That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Southern San Joaquin Valley Temporary Zone—All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance-of-the-State Zone—The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Temporary Zone.

Canada Geese

Michigan

North Zone—Same as North duck zone.

Middle Zone—Same as Middle duck zone.

South Zone—Same as South duck zone.

Tuscola/Huron Goose Management Unit (GMU): Those portions of Tuscola and Huron Counties bounded on the south by Michigan Highway 138 and Bay City Road, on the east by Colwood and Bay Port Roads, on the north by Kilmanagh Road and a line extending directly west off the end of Kilmanagh Road into Saginaw Bay to the west boundary, and on the west by the Tuscola-Bay County line and a line extending directly north off the end of the Tuscola-Bay County line into Saginaw Bay to the north boundary.

Allegan County GMU: That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Saginaw County GMU: That portion of Saginaw County bounded by Michigan Highway 46 on the north; Michigan 52 on the west; Michigan 57 on the south; and Michigan 13 on the east.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Wisconsin

Same zones as for ducks but in addition:

Horicon Zone: That area encompassed by a line beginning at the intersection of State 21 and the Fox River in Winnebago County and extending westerly along State 21 to the west boundary of Winnebago County, southerly along the west boundary of Winnebago County to the north boundary of Green Lake County, westerly along the north boundaries of Green Lake and Marquette Counties to State 22, southerly along State 22 to State 33, westerly along State 33 to I–39, southerly along I–39 to I–90/94, southerly along I–90/94 to State 60, easterly along State 60 to State 83, northerly along State 83 to State 175, northerly along State 175 to State 33, easterly along State 33 to U.S. 45, northerly along U.S. 45 to the east shore

of the Fond Du Lac River, northerly along the east shore of the Fond Du Lac River to Lake Winnebago, northerly along the western shoreline of Lake Winnebago to the Fox River, then westerly along the Fox River to State 21.

Exterior Zone: That portion of the State not included in the Horicon Zone.

Mississippi River Subzone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

Brown County Subzone: That area encompassed by a line beginning at the intersection of the Fox River with Green Bay in Brown County and extending southerly along the Fox River to State 29, northwesterly along State 29 to the Brown County line, south, east, and north along the Brown County line to Green Bay, due west to the midpoint of the Green Bay Ship Channel, then southwesterly along the Green Bay Ship Channel to the Fox River.

Sandhill Cranes

Mississippi Flyway

Minnesota

Northwest Goose Zone—That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Tennessee

Hunt Zone—That portion of the State south of Interstate 40 and east of State Highway 56.

Closed Zone—Remainder of the State.

Central Flyway

Colorado—The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

Kansas—That portion of the State west of a line beginning at the Oklahoma border, north on I–35 to Wichita, north on I–135 to Salina, and north on U.S. 81 to the Nebraska border.

Montana—The Central Flyway portion of the State except for that area south and west of Interstate 90, which is closed to sandhill crane hunting.

New Mexico

Regular-Season Open Area—Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Middle Rio Grande Valley Area—The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Estancia Valley Area—Those portions of Santa Fe, Torrance and Bernallilo Counties within an area bounded on the west by New Mexico Highway 55 beginning at Mountainair north to NM 337, north to NM 14, north to I–25; on the north by I–25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to NM 55 in Mountainair.

Southwest Zone— Area bounded on the south by the New Mexico/Mexico border; on the west by the New Mexico/Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to N.M. 26, east to N.M. 27, north to N.M. 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna county line, and south to the New Mexico/Mexico border.

North Dakota

Area 1—That portion of the State west of U.S. 281.

Area 2—That portion of the State east of U.S. 281.

Oklahoma—That portion of the State west of I–35.

South Dakota—That portion of the State west of U.S. 281.

Texas

Zone A—That portion of Texas lying west of a line beginning at the international toll bridge at Laredo, then northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in Laredo, then north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line.

Zone B—That portion of Texas lying within boundaries beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in the town of Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line, then south along the Texas-Oklahoma State line to the south bank of the Red River, then eastward along the vegetation line on the south bank of the Red River to U.S. Highway 81.

Zone C—The remainder of the State, except for the closed areas.

Closed areas—(A) That portion of the State lying east and north of a line beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with U.S. Highway 290 East in Austin, then east along U.S. Highway 290 to its junction with Interstate Loop 610 in Harris County, then south and east along Interstate Loop 610 to its junction with Interstate Highway 45 in Houston, then south on Interstate Highway 45 to State Highway 342, then to the shore of the Gulf of Mexico, and then north and east along the shore of the Gulf of Mexico to the Texas-Louisiana State line.

(B) That portion of the State lying within the boundaries of a line beginning at the Kleberg-Nueces County line and the shore of the Gulf of Mexico, then west along the County line to Park Road 22 in Nueces County, then north and west along Park Road 22 to its junction with State Highway 358 in Corpus Christi, then west and north along State Highway 358 to its junction with State Highway 286, then north along State Highway 286 to its junction with Interstate Highway 37, then east along Interstate Highway 37 to its junction with U.S. Highway 181, then north and west along U.S. Highway 181 to its junction with U.S. Highway 77 in Sinton, then north and east along U.S. Highway 77 to its junction with U.S. Highway 87 in Victoria, then south and east along U.S. Highway 87 to its junction with State Highway 35 at Port Lavaca, then north and east along State Highway 35 to the south end of the Lavaca Bay Causeway, then south and east along the shore of Lavaca Bay to its

junction with the Port Lavaca Ship Channel, then south and east along the Lavaca Bay Ship Channel to the Gulf of Mexico, and then south and west along the shore of the Gulf of Mexico to the Kleberg-Nueces County line.

Wyoming

Regular Season Open Area—Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties, and portions of Johnson and Sheridan Counties.

Riverton-Boysen Unit—Portions of Fremont County.

Park and Big Horn County Unit— All of Big Horn, Hot Springs, Park and Washakie Counties.

Pacific Flyway

Arizona

Special Season Area—Game Management Units 28, 30A, 30B, 31, and 32.

Idaho

Special Season Area—See State regulations.

Montana

Special Season Area—See State regulations.

Utah

Special Season Area—Rich, Cache, and Unitah Counties and that portion of Box Elder County beginning on the Utah-Idaho State line at the Box Elder-Cache County line; west on the State line to the Pocatello Valley County Road; south on the Pocatello Valley County Road to I–15; southeast on I–15 to SR–83; south on SR–83 to Lamp Junction; west and south on the Promontory Point County Road to the tip of Promontory Point; south from Promontory Point to the Box Elder-Weber County line; east on the Box Elder-Weber County line to the Box Elder-Cache County line; north on the Box Elder-Cache County line to the Utah-Idaho State line.

Wyoming

Bear River Area—That portion of Lincoln County described in State regulations.

Salt River Area—That portion of Lincoln County described in State regulations.

Farson-Eden Area—Those portions of Sweetwater and Sublette Counties described in State regulations.

Uinta County Area—That portion of Uinta County described in State regulations.

All Migratory Game Birds in Alaska

North Zone—State Game Management Units 11–13 and 17–26.

Gulf Coast Zone—State Game Management Units 5–7, 9, 14–16, and 10 (Unimak Island only).

Southeast Zone—State Game Management Units 1–4.

Pribilof and Aleutian Islands Zone—State Game Management Unit 10 (except Unimak Island).

Kodiak Zone—State Game Management Unit 8.

All Migratory Game Birds in the Virgin Islands

Ruth Cay Closure Area—The island of Ruth Cay, just south of St. Croix.

All Migratory Game Birds in Puerto Rico

Municipality of Culebra Closure Area—All of the municipality of Culebra.

Desecheo Island Closure Area—All of Desecheo Island.

Mona Island Closure Area—All of Mona Island.

El Verde Closure Area—Those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for 1 kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

Cidra Municipality and adjacent areas—All of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality boundary to the point of the beginning.

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